my KASHMIR

THE DYING OF THE LIGHT

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Indian Express

WAJAHAT HABIBULLAH

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Wajahat Habibullah, a former civil servant from the Indian Administrative Service, has spent much of his career in Jammu and Kashmir, most of it in the Kashmir Valley. He has also served on the staff of two Indian prime ministers—Indira Gandhi and Rajiv Gandhi—and held the post of minister in the Embassy of India, Washington DC. Subsequently, he was secretary in the ministries of textiles and Panchayati Raj. He has also been secretary in the department of consumer affairs, and was administrator of the island territory of Lakshadweep.

After retiring from the service Habibullah served as India's first chief information commissioner, heading the final court of appeal under India's Right to Information Act. Thereafter he was chair of India's National Commission for Minorities. A Randolph Jennings senior fellow at the United States Institute of Peace, Habibullah has been awarded the Rajiv Gandhi Award for Excellence in Secularism.

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WAJAHAT HABIBULLAH

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FOREWORD

The conflict over Kashmir has been a feature of the international landscape for sixty years. It is a deeply entrenched dispute involving a divided province and two estranged neighbours. The conflict encompasses the full panoply of issues that generate stubborn problems: national identity, ethnicity, religion, tension between Central and local governments, and territory. In its early years it was seen as a conflict between India and Pakistan, amenable to a territorial solution. The settlement efforts that followed the United Nations (UN) Security Council resolutions of 1948 and 1949 called for a plebiscite in the state to determine its future. Only two options were on the table: the whole state would go either to India or to Pakistan.

In the negotiating efforts that took place at various times over the next four decades, India and Pakistan were the only parties involved, but especially after 1990, it became clear that the Kashmiris needed to have a part in shaping any settlement. That left two hotly disputed questions: how would Kashmiris play their part and, even more, who are 'Kashmiris'? Does the term include people from all of Kashmir's major divisions, including Hindu- and Buddhist-majority areas, or just the Muslims from the Kashmir Valley? Should they participate in a three-way negotiating process, as many Kashmiris wanted and Pakistan occasionally proposed; should they exercise their franchise in the context of regularly scheduled provincial elections within the Indian electoral system, as India insisted; or something else altogether? Efforts to develop

a settlement have included strictly bilateral discussions, UN-sponsored mediation, efforts by major powers, unofficial brokering attempts and discussions among both the national governments involved and an array of Kashmiris—none of whom, in recent years, were generally recognized as legitimate spokespeople for the Kashmiri people. At various times, India conducted talks with Pakistan, and at other times, it tried to reach a better accommodation with the leadership in the Kashmir Valley, but it never engaged both at the same time.

The literature on Kashmir, not surprisingly, has a *Rashomon*-like quality. There are studies from the Indian, Pakistani and, more rarely, Kashmiri perspectives; there are conflict resolution studies, papers examining various specialized aspects of a potential settlement, and analyses of the region's society, politics and, occasionally, its economy.

Wajahat Habibullah, who spent much of his long and distinguished career in the Indian Administrative Service working in Kashmir, has combined several approaches in this thoughtful and incisive book that is part memoir, part history and part prescription. He was deeply involved in some of the state's most wrenching turbulence, especially the siege of Kashmir's most revered Islamic holy place, the Hazratbal shrine. Having either participated in or watched at close hand the interactions between the Indian government, the state government and local politicians in Kashmir, he gives a masterful view of the history of the Kashmir dispute and the best account I have yet seen of the way the Indian government has dealt with it. His insights on how Pakistanis see the problem are perceptive and enlightening. Kashmiris, all too often the forgotten people in accounts of the Kashmir problem, properly take centre stage in his narrative.

Habibullah argues that the Kashmir conflict should not be considered 'intractable'. The main outlines of a possible settlement have been coming into focus since about 2000. Both Indian and Pakistani spokespeople talk about making the line that divides Kashmir 'irrelevant'—allowing it to be easily crossed for peaceful purposes. Both implicitly acknowledge that if other parts of a settlement are in place, the location of that line will not change much from where it is now. Both use terms such as 'self-rule', although at this writing they interpret the term quite differently. Unofficially, both recognize that there may be a place for joint institutions, at least in dealing with such practical issues as forestry

and electricity, running the state and creating a greater sense of unity. And although Pakistani calls for demilitarization are usually deflected by India, Indian representatives state that once violence recedes, so too will the need for heavy armaments near the Line of Control. Most important, all these items figure on the Kashmiris' checklist.

Unfortunately, this emerging outline is not sufficient to propel the parties towards an actual settlement, so in practice the dispute has been intractable. All parties to the dispute have different ideas of what each potential element in a settlement should mean, and all have their own negotiating red lines. Both national governments have a strong sense of national honour and national integrity, which imposes on them requirements that are incompatible.

Perhaps the most difficult issue to resolve is one that Habibullah covers only lightly: the problem of leadership. When India and Pakistan began their last serious dialogue in 2004, each had a leader with strong nationalist credentials and substantial political power: Atal Behari Vajpayee in India and Pervez Musharraf in Pakistan. In the years since then, Musharraf's power collapsed, and he was replaced by a legitimately elected but weak and unpopular civilian government. Vajpayee's party lost two elections. The next Indian prime minister, Dr Manmohan Singh, was brought up in what is now Pakistani Punjab and wanted to leave India–Pakistan peace as his legacy. However, the combined effects of devastating terrorist attacks on Mumbai in 2008 and a complicated division of political leadership in his party made it hard for him to make decisive changes in Indian policy.

On the Kashmiri side, the leadership problem is even more fundamental. Since the death in 1982 of Sheikh Abdullah, the foremost Kashmiri leader from the generation that witnessed the Partition of India, Kashmir has had no generally accepted leader. The chief minister of the Indian state of Jammu and Kashmir is an elected position, but, as Habibullah notes, even on the Indian side important parts of the political spectrum did not participate in the election, so the chief minister cannot claim recognition across the board. The other personalities from the Kashmir Valley are badly divided, and no organization or personality has sufficient status to speak for Kashmiris as a whole. Nor can any of the political leaders from Jammu or Ladakh claim such standing. Kashmir politicians from the Pakistani side are deeply enmeshed in Pakistani

politics and have had little continuing contact with the Indian side, including the Kashmir Valley, which lies at the heart of the dispute.

Habibullah's account is particularly valuable for the light it sheds on the oft-mentioned problem of trust and respect. Gallons of ink have been spilled on the subject of mistrust between India and Pakistan, and the chequered history of their efforts to resolve issues that should be much more tractable than Kashmir amply illustrates the problem.

An even more difficult problem of trust exists between the Indian government and Kashmiris. Habibullah's detailed account of the troubled history of political leadership in the state, as well as his own recollections of negotiating during various crises there, demonstrate this pervasive mistrust and its destructive effects. The lack of trust is the most important reason why progress toward a settlement, despite its promise, has so often come to nothing.

Habibullah argues that this trust cannot come without greater respect for the Kashmiris on the part of India. In his correct view, Muslim Kashmiris in India-administered Kashmir feel that unlike other Indians they are powerless to craft their own lives and fortunes. They must be given an opportunity to do so at all levels of governance within the state. Their sense of alienation could be relieved if they had the same right to self-government, the same chance to participate in India's growing prosperity and the same respect from their state and national authorities as residents of other states enjoy.

Everyone who has written about Kashmir has heartrending stories of what the unresolved dispute has done to the people there, and Habibullah is no exception. Because of his dual position as both insider and outsider, he feels—and he conveys to the reader—the tug of war generated by competing loyalties and emotions. This waste of human lives should be reason enough to find a solution.

But other arguments are likely to be more compelling, at least for the governments in Islamabad and Delhi. The years since the end of the cold war have been a time of extraordinary change in India—economic growth, integration with the world economy and an increasingly active role in the world. India's international ambitions have increased at the same time. It is currently serving a two-year term on the United Nations Security Council and has received the endorsement of most of the council's 'permanent five' for a permanent seat. But as it seeks a

seat at this and other high tables, the unresolved dispute with Pakistan weighs India down.

In Pakistan, the cost of the continuing dispute is measured differently. Carrying on with Pakistan's traditional position and maintaining the option to support the insurgency from time to time entail multiple costs. The budgetary expense is trivial; the heaviest cost lies in the insidious impact of the shadowy organizations that support the insurgency on Pakistan's political system and its society. The Pakistan government has to weigh the benefits of a settlement that might fall well short of Pakistan's traditional demands against the political costs of giving up positions that have defined Pakistani nationalism for nearly sixty years.

The high point of India–Pakistan efforts to resolve their Kashmir differences came in late 2007 and early 2008, during Pervez Musharraf's last months as President of Pakistan. Special envoys of both countries succeeded in markedly narrowing the gap between them in a series of very discreet 'back channel' talks. The weakness of Pakistan's government, the scepticism of its army and ambivalence and lack of urgency in Delhi let this moment of opportunity pass.

To make the Kashmir problem truly 'tractable' will require strong and determined leadership in both countries. Given the political will, Wajahat Habibullah's account can tell us a great deal about the way.

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Teresita C. Schaffer

INTRODUCTION

The territory of Kashmir, once an idyllic resort, has been looked upon by the world as a potential flashpoint for what could become a nuclear war. In the early years of the twenty-first century, as the situation has oscillated between an approach to war and a surge in the quest for an elusive peace, what has been variously described as the 'Kashmir dispute' and the 'Kashmir conundrum' has often been seen as an intractable problem defying solution.[1] As Alexander Evans, then of the Centre for Defence Studies at King's College, London, posits:

> What happens to the State of Jammu and Kashmir? Should it be given to India or to Pakistan, become independent or be repartitioned? This Kashmir problem has kept lawyers, diplomats and writers busy since 1947. Over the last 54 years this problem has become rather abstract, debated by one country—Pakistan—that has usually spoken about the past without reference to the present and by another—India—that talks about Kashmir only in the present [post-1971] without reference to the past. To outsiders the issue is reduced simply to geography and geopolitics.
>
> The second problem is far more complicated, interesting and pressing—the problem of Kashmiris themselves. How do Kashmiris get the government they want? The origins of the militancy that has since 1988 claimed more than 35,000 lives lie here. Yet this can be the only source of an enduring solution.[2]

This book is the product of a lifetime spent grappling with the bewilderingly intricate confluence of history, religion, folkways and political institutions, thousands of years in the making, that forms today's Kashmir. The following chapters will elaborate on several essential themes and lines of reasoning that are crucial to any real understanding of this unique and troubled paradise:

a) The volatile situation in Kashmir has raised worries throughout the international community, for many see it as a potential flashpoint for war between the nuclear powers of India and Pakistan. But Kashmir's turmoil is far more complex than merely a quarrel between rival nations or faiths.

b) Islam in Kashmir has traditionally been very tolerant and catholic in its spiritual traditions and sympathies. Its Sufi roots are syncretic, reaching back not only to the Prophet of Islam but to the ancient rishis and the Buddhist tradition that preceded them. But Kashmiri Muslims' harmonious coexistence with their Hindu (referred to in local parlance as Kashmiri Pandits, because they belong to the Brahman caste) and Sikh neighbours was shaken in the death throes of Dogra rule; and now by the recent influence of the more political, less tolerant assertions of Islam that are increasingly pervading other Muslim societies. This trend away from the inclusive tradition embodied by Sufi thought, and towards more exclusivist schools such as Ahl-i-Hadeeth, commonly termed Wahabism in the West, has been socially and politically polarizing, with its inevitable consequence of increasing the sense of divisiveness throughout Kashmir.

c) Efforts at compromise by India's and Pakistan's leaders are often hampered by conflicting public opinion in their respective countries. For India, the Kashmir problem is one of principles, of how India sees its nationhood. For Pakistan, it is a question of Muslim people being forced to live under what they have come to see as unsympathetic rule by an outside power.

d) The Indian national government has exacerbated the situation in several ways. By promoting to key governing positions those willing to accommodate the exigencies of national politics above the wishes of the Kashmiri people, the Indian government has been unable to develop and implement a workable long-term policy for Kashmir. Thus, the government has continually found itself in a reactive rather than a

proactive position, relying too much on force. The security forces, faced with an unstable situation and receiving mixed or muddled messages from the government, have too often resorted to heavy-handed tactics and sometimes outright abuse, turning public opinion against the government—and, worse, against India.

e) Pakistan has fanned the flames of conflict, seeing it as the Achilles heel of its militarily superior neighbour and rival. Provocations by its security forces, including incursions beyond the Line of Control, have made India more entrenched than ever in its determination to maintain its sovereign borders by whatever means necessary. Also, there has been a sustained effort at freelance infiltration into Kashmir from Pakistan, to commit terrorist acts and foment militant action by local Kashmiris, several of whom had gone to Pakistan for weapons and paramilitary training.

f) Much of the problem has been the inability of different sectors of government to work in concert to accomplish even the most basic objectives. State government officials and Indian national government officials working in Kashmir have too often been at odds, in part because of their selection criteria, with state officials being predominantly drawn from the ranks of Kashmiri Muslims, whereas national government officials are mostly Hindu Kashmiris and non-Kashmiri. (This trend saw a further incline, in the opening years of the twenty-first century, in favour of Jammu Hindus, leading to increasing resentment among the majority Kashmiri Muslims.) Thus, each group has tended to see the other not as a partner but as an adversary. Similarly, the civil and the military authorities, with very different backgrounds and agendas, see each other as undermining their good efforts. The challenge has been to bring a greater sensitivity into military and security operations and somehow strike a balance between immediate security concerns and long-term goodwill and cooperation.

g) The economy of Kashmir—as well as those of India and Pakistan—is both a source of conflict and a potential solution. Corruption and nepotism has long been a mainstay of Kashmiri government and business, influencing policy and bureaucratic decisions on, for example, lucrative public works contracts and forest leases, while at the same time choking off opportunity for able Kashmiris who want simply to compete on a level field. The Indian national government, in order to maintain

a working relationship with local power brokers, has been complicit in this, if only by looking the other way. Eventually, to many Kashmiris faced with lack of economic opportunity secession began to look like a viable alternative, and militancy grew. Also, in an environment of corruption and violence, there have been Kashmiris as well as outsiders who profited from war and thus sought to fan the flames in order to conduct a lucrative business based on mutual hostility.

h) Historically, the Indian national government has discouraged outside entities from investing in Kashmir, though this attitude has appeared to change from time to time. Greater transparency in local government would make Kashmir more attractive to outside investors. Also, cooperation by the Indian and Pakistani governments on trade with and through Kashmir can bring increased opportunity to the population of the entire former state of Jammu and Kashmir, while at the same time unite India and Pakistan in mutual economic interests. If undertaken with sensitivity and good faith, there is a role in Kashmir for outside players, including the United States, the United Nations and NGOs and private investment.

i) Kashmir's problem is by no means intractable. But a solution will necessarily involve genuine effort by both India and Pakistan. The two nations appear serious about a real compromise. India is willing to pursue good-faith dialogue, and for the first time Pakistan appears ready to consider options that fall short of secession. Now more than ever before—despite the violent summer of 2010—the situation seems capable of being resolved in a way that provides peace, freedom and economic opportunity to the Kashmiri people.

Partition: The Seeds of Conflict Sown

Half a century ago Josef Korbel, chairman of the UN Commission for India and Pakistan until 1949, wrote: 'The real cause of all the bitterness and bloodshed, all the venomed speech, recalcitrance and the suspicion that have characterized the Kashmir dispute is the uncompromising and perhaps uncompromisable struggle of two ways of life, two concepts of political organization, two scales of values, two spiritual attitudes, that find themselves locked in deadly conflict, a conflict in which Kashmir has become both symbol and battleground.'[3]

India, on the eve of its independence, consisted of two major components: the portion administered directly, which became the Dominion, and what were called the princely states, purportedly independent but woven into the British Empire under the Empire's policy of 'paramountcy'. With Independence came India's partition into two countries: India and Pakistan. While the British Government of India demarcated the partition of the Dominion territories under what has come to be known as the Radcliffe Award, and even though some have argued that Independence was theoretically an option, the princely states were required to accede to one state or another. The state of Jammu and Kashmir signed the Instrument of Accession with India on 26 October 1947. India's argument has been grounded in that accession. Similarly, Pakistan, in opposing India's claims, has been questioning the legality, even the authenticity of the accession.[4]

Nevertheless, whatever the legal right, the accession was more than sixty years ago. Can the rights then established still hold through all that has happened since? Nations may be created, but not built, as a result of legal decree alone. History has taught us that military strength in itself can secure only a transient unity. The will of the people, or at the very least their willing acceptance, must be the binding force of a nation, particularly one that aspires to freedom. And history has also taught us, when that will crumbles, mighty empires will fall, and democratic governance become but a pretence. In the case of Jammu and Kashmir, all necessary ingredients for its becoming a part of India were met by 1950. In further measure, concessions were granted to that state which were not given to any other, including a special status among India's states, negotiated with the Government of India by Sheikh Abdullah and formalized by the Delhi Agreement of 1952 with Prime Minister Nehru. Yet, Kashmir's people have suffered immensely as a result of the confrontation between two great nations. Their insurrection in the closing decades of the last century is what placed the state back on the international agenda.

Any agreements concerning Kashmir to be sustainable must address contumacious internal issues. Herein lies a pervasive mistrust, which has three basic elements:

a) Mistrust within the public between communities, particularly Hindu (Dogra and Pandit), Muslim and Sikh.

b) Mistrust of India's political leadership by the political leadership of Jammu and Kashmir.

c) Mistrust of the Kashmiri political leadership and Kashmiri public, particularly the Muslim public—a mistrust that has often characterized the Indian political leadership.

All three elements stem from the background of Partition when Pakistan claimed, and it was tacitly conceded by large sections of India's political leadership, that the sympathies and indeed the natural loyalty of India's Muslims lay with Pakistan. Such a claim was unfounded even then and it is more apparently so today. The dismissal, arrest and trial of Sheikh Abdullah in 1953 were a consequence of this belief and became the foundation of the elements described at b) and c) above. For a brief moment in 1977–78—with the elections that returned the Sheikh to the government of Jammu and Kashmir and the execution of Zulfikar Ali Bhutto (popular among Kashmiris) by Pakistan's military ruler—prospects of overcoming this mistrust in India-administered Jammu and Kashmir seemed bright. But subsequent events undermined such prospects and the close of the 1980s saw the outbreak of insurgency, the failure of which has only accentuated misgivings. Even though there can be no resolution without agreement between India and Pakistan, this cannot subsist unless internal issues are also resolved, as otherwise the state will remain a tinderbox subject to being lit by any mischievous element from within or outside.

Who Is a 'Kashmiri'?

I have spoken of 'Kashmir' repeatedly and only occasionally of Jammu and Kashmir, which is what the entire state is called. The state of Jammu and Kashmir, with its diversity of ethnicity, language, culture and religion, can be seen as a microcosm of India. This, then, is how India saw Jammu and Kashmir, casting her as the legendary Lady of Shalott gazing into her tapestry of diverse beauty. The majority of the former state of Jammu and Kashmir's population now living within India is in the Kashmir Valley, with a population of over 5.4 million according to the 2001 census. The Kashmiri language, spoken in the Valley and in the areas immediately abutting it, is a Dardic tongue distinct from,

but with vocabulary and syntax influenced substantially by, Sanskrit, Persian and Arabic. The religion is 98 per cent Muslim with distinct Sufi characteristics. All Sufi schools—varying in the degree of their proselytizing—built upon Kashmir's Buddhist and Saivite heritage. The second major component is the Jammu Division (distinct from the Kashmir Division both geographically and in ethnicity), with its population of just under 4.4 million, over 60 per cent Hindu and 30 per cent Muslim—the latter forming a majority in three of Jammu's six districts. The languages are variations of Punjabi, distinct from Kashmiri. The third component, though administratively under the Kashmir Division, is Ladakh, with a population of 2,33,000. It is the largest of the three in area, with a slim Muslim majority, mostly Shia in contrast to the predominantly Sunni Kashmir. One of Ladakh's two districts is Kargil, the stage where the theatre of war between India and Pakistan played out in 1999. Like adjoining Baltistan in the northern areas of Pakistan-administered Kashmir, Kargil is predominantly Shia Muslim (73 per cent). The other district of Ladakh, to its south, is Leh and has a Buddhist majority.

Islam has been pivotal to the evolving politics of Kashmir, but more as a badge of identity of a people fighting for cultural identity rather that in its religious ramifications. Muslims' expression and practice of their faith varies across the state, with the members of the faith from different communities having little in common with one another, let alone with their brethren even farther afield. The Muslims of Ladakh, predominantly Shia and representing a business community cut off from its commercial hinterland in Gilgit and Baltistan, and through that region to Central Asia, have been resentful of Kashmiri commercial domination. Their languages are Balti and Ladakhi. Some have learned Urdu, but almost none speaks Kashmiri. The language of the Gujar, a pastoral tribal community predominant in the highlands of the Valley and the Jammu Division, is akin to Punjabi. The Rajput, who again speak a language similar to Punjabi, are the majority community in the lowlands of Poonch district. They prided themselves till recently on being called Rajput and prefer the company of a Hindu Rajput to that of any Muslim. In fact, the attitude of this community towards the Kashmiris is nothing short of contemptuous. Sadly, with the rise of radicalism among Muslims, this community now prefers to call

itself Pahari rather than Rajput. These differences also account for the differences in attitudes and preferences of different Muslim sectors of the state at the time of accession in 1947.

Kashmir came to be ruled by a Muslim monarch only in the mid-fourteenth century, well after a flourishing sultanate was established in Delhi. The rule of the sultanate extended over much of what is now the rest of India and Pakistan, including the southern areas of the present state of Jammu and Kashmir, south of the Pir Panjal range. Many of the Rajput who now inhabit the area became Muslim after a bloody war with the Delhi sultanate in the thirteenth century. But by this time a large section of Kashmiris had accepted Islam through the work of Sufis of the Qadiri, Hamadani and Kubrawi orders, who had migrated to Kashmir from Central Asia and farther west. The most prominent among the earliest Sufis was Syed Sharfuddin Abdul Rehman, revered to this day by the name of Bulbul [nightingale] Shah, of the Suhrawardi *silsila*—or order—who first visited Kashmir towards the close of the thirteenth century. This brief sketch, then, gives us some sense of the enormously rich and diverse spread of traditions, languages and cultures that make up present-day Jammu and Kashmir.

But as the Justice Saghir Ahmad Report, discussed in chapter 8, points out, present economic progress in the state is uneven, leading, post-insurgency, to a growing and ominous sense of injustice in the Valley of Kashmir. 'As per the 2001 census,' the report finds, 'the population in the Kashmir region (54,76,970) was higher than the Jammu region (44,30,191), [but] in per capita terms the planned expenditure for the Jammu region is higher than that of the Kashmir region. In fact, the per capita outlays would be the highest for the two districts of Ladakh (2,36,539), i.e., Leh and Kargil. If the data is analysed from the standpoint of the individual districts, it can be seen that in the year 2006–07, the erstwhile District Doda[5] had the second highest plan outlay amongst all districts, only marginally less than District Baramulla, and it recorded the highest level of expenditure at Rs 9,720.81 lakh. Similarly, both the outlays as well as the expenditures of District Jammu are higher than those of Srinagar for all three years.'[6]

Chapters 1 and 2 present the historical backdrop of the crisis that overcame Kashmir at the time of accession, since it continues to inform all discussions on the subject. And yet, although the events of

Partition and its aftermath have indeed had a bearing on the trajectory of Kashmir's descent into that crisis, they were not the driving force of the breakdown of the 1990s. Those events therefore do not form the substance of this book. As A.G. Noorani, a perceptive non-Kashmiri Indian writing in 2005, put it: 'Today, plebiscite is dead as a dodo. But popular alienation is greater than it was 50 years ago . . . The people's rejection of the Union of India is palpable.'[7] By the 1970s, the issues of the late 1940s and early 1950s were largely laid to rest, as discussed at the close of chapter 2 and into chapter 3, with the Indira–Sheikh Accord, the elections of 1975 and subsequent events in India and Pakistan. India and Pakistan have themselves evolved from the entities described by Korbel, but the evolution of the Kashmiri will, since that time, holds the key to understanding the problem of the state—an understanding that can help chart a course for the future and that, therefore, becomes the theme of this work.

I served in Jammu and Kashmir through the 1970s, a time of a great flowering of hope. The negative aspects of the state's association with India were disturbing to a sensitive mind but were still no more than straws in a balmy breeze. It was only later, in the enveloping darkness, which I discuss at some length in chapter 4, that one could look back to see how the poison took root in the Kashmiri mind, leading to the travails of the 1990s. And yet, I believe, based on my experience of working in the state and with its people, that the remedy need not be elusive, provided that all stakeholders are sincere in their endeavour to restore peace, and that respect for the dignity of the Kashmiri people lies at the core of any resolution. For, ignoring that sense of self-respect in the Kashmiris—believing that they as a people could be bought—is what brought on and fuelled the cycle of ruin since the beginning. But in India's defence, despite its gravely flawed policy, it has never resorted to genocide or what has come to be known as 'ethnic cleansing'. Respect for territory has been at the heart of India's policy towards Kashmir. While there appears to be little consensus on how to resolve the Kashmir question, any undermining of established Indian national sovereignty is naturally greeted with alarm, particularly where force is mentioned. Dr Manmohan Singh, prime minister of India—in which most of the state lies—has ruled out any redrawing of borders. As reaffirmed at its summit in Istanbul in 1999, the Organization for Security and

Cooperation in Europe (OSCE) agrees that international borders should not be changed by force, either through wars of aggression or, indeed, wars of secession.[8] This is a principle of universal applicability and acceptance.

Is the Kashmir situation, then, a simple Hindu–Muslim problem? Several otherwise eminent intellectuals see it as exactly that. This can be set against the larger context, hotly debated across the world, of the ability of a Muslim society to be secular. I offer no views in this regard. There are those who blithely assert that Muslims cannot live with Hindus and that, therefore, is the reason why the only state in India with a Muslim majority has never been satisfied, despite the fishes and loaves perceived to have been handed it by pusillanimous and overgenerous Central governments. There are others who will insist that since the Muslim-majority provinces of India became part of Pakistan, Kashmir, too, should rightly have gone to Pakistan, and that this remains the 'unfinished work of Partition'. In the 2002 riots of Gujarat, an unrepentant political leadership in that westernmost state of India referred to what several commentators have described as a pogrom of the state's Muslims as merely a response to the vicissitudes suffered by the Hindus in Kashmir. These attitudes have led to different prescriptions for remedy. In chapter 1, I examine the traditions of Kashmir, the pervasive Sufi thought and the lack of sensitivity to those traditions that eroded the secular mission of free India. While this chapter deals with the backdrop of happier, more peaceful times, we then move on to examine the darker side of a luminous façade—the efforts to evade the truth, which inevitably sowed the seeds of violence.

As a member of India's civil service, I have been privileged to serve the people of Kashmir in both their brightest and their darkest hour. Although not a Kashmiri myself, I have tried to see the people's situation through the eyes of one committed to India but also committed to serving the people of a blighted state—at one time an 'Eden of Bliss' but now pervaded with sorrow. In chapter 2, I have drawn extensively upon my own experience, working both at the cutting edge of the administration under different state governments, and in the offices of two Indian prime ministers, at a time when the decisions that were taken greatly affected the state's history. There is, of course, a growing awareness of Kashmiri sensibilities in thinking circles in India and

abroad. The employment of many young Kashmiris as correspondents of leading national newspapers has made a striking contribution to this. One such young Kashmiri, Muzamil Jaleel, chief of the Srinagar bureau of the *Indian Express*, a leading daily newspaper, received the Kurt Schork Award in International Journalism, 2005, from Columbia University, for reporting with 'courage, originality and power'. Such participation in the national media was but a rarity before the mid-1990s because, despite the professionalism of many of its journalists, the Kashmiri press had remained insular. It took a major upheaval to bring change to the traditional Kashmiri intellectual mindset. I remember my own continuing frustration because Kashmir was so poorly understood, even as the insurgency reached its climax in the early 1990s. By the beginning of this century, however, a quest for understanding has been increasingly manifest among young men and women of the state, in the emerging vibrant political leadership.

Based on my experience in serving the people of Jammu and Kashmir, I identify for the reader the seeds that—unperceived in earlier halcyon days—later bore the bitter fruit of civil unrest, bringing death and destruction to Kashmir at the close of the twentieth century. It was a course that grew from local insurgency into what has been described as a 'proxy war' supported by international terrorism.

The blunders that were made, the good intentions that went awry, and the growing disillusionment of Kashmiris with the rest of India are the beginnings of a descent into darkness, leading to the breakdown described in chapter 4. There, we seek answers to why the state became the purgatory that it did and also discover the first faint signs of a fragile hope. Following this is a depiction of the state as it emerged from its darkness and the different views on the direction it might take. This analysis is based on my continuing interaction with the government and with people from many different sections of Kashmiri society.

Finally, we examine the various options before Kashmiris in their search for a life of fulfilment, which carries the hope of putting to rest a tragic problem that has plagued the history of South Asia. Resolving the issue has three dimensions, each of which will need to be addressed by both India and Pakistan if resolution is to be abiding.

Internal dimensions—People to people: Although the state is multi-ethnic, and areas of Pakistan-administered Kashmir have traditionally

been inhabited by people with a language and culture and even religious traditions distinct from those of the Kashmiris, forcibly closing traditional access routes has given Kashmiris a sense of being imprisoned behind locked doors. This goes beyond the Valley into all the border areas from Kargil to Poonch–Rajouri. The manifestly positive impact of the Srinagar–Muzaffarabad bus service has been built upon by opening the road from Poonch to Rawalakot, but opening roads to Skardu from Kargil and from Jammu through Chhamb to Bhimbar in Pakistan-administered territory is also necessary. The understanding is that these roads will develop in the long term as open-border roads for use by general traffic, including for trade and commerce. The free flow of people-to-people contacts will surely ease the basic separatist urge, which largely stems from a sense of being confined. Non-governmental organizations (NGOs) and social organizations from both sides of the LoC can be encouraged to hold social and cultural events, inviting residents from both sides of the LoC.

Economic dimensions: The people-to-people contacts will bring temporary reprieve but cannot be sustained or bring stability in relations by themselves. Trade and commerce along the opening routes will be a step towards building economic stakes in continuity which can be further cemented by encouraging state subjects as a first step, within India, Pakistan or indeed among the diaspora, to make financial and commercial investments in either, or in both places. This could be in the areas of fruit marketing and processing, handicrafts and hotel- and timber-based industries. Once this begins to make headway, larger FDIs can be encouraged, as discussed in further detail in chapter 7. The original state of Jammu and Kashmir abuts on Central Asia and could become a route for oil and gas pipelines from Central Asia into the subcontinent, cutting through the LoC, easing supply in India and Pakistan and bringing prosperity to peoples on both sides.

Political dimensions: The heart of the issue is political. Without progress in this dimension, at overcoming the mistrust that has fuelled disturbances in the state, the efforts in the above two aspects cannot fructify. Changes in boundaries are ruled out as a solution since that will be unacceptable to one or the other, and possibly to both. As Prime Minister Dr Manmohan Singh has clarified, a resolution has to be found within the established physical boundaries.

While independence has been the overwhelming desire of the Kashmiris, they have come to recognize that this is not possible because both India and Pakistan have concerns for their national pride as well as for their national security. Neither country will be prepared to concede independence to Kashmir. While the Kashmiris can then ask that both countries must meet Kashmiri aspirations, Kashmiris must themselves, in exchange, allay the concerns of these two nations. This will mean that the people from each side of the state must stand together against the use of any violence targeting civilians. Pakistan has come to admit that Kashmir need not be part of Pakistan. But who will represent Kashmiri aspirations? Is there a possible resolution without a change of existing sovereignties? Is there, indeed, any possibility of an understanding among adversaries, one that can satisfy all the many stakeholders with their conflicting ideologies? And who, indeed, *are* these stakeholders? I conclude with recommendations for the future of a people whom I have come to love deeply, and in whose pain I have shared.

A great civilization stands at the crossroads. Its people have gone through a time of much suffering. Writing early in the last century, British historian Vincent H. Smith said, 'Few regions in the world can have had worse luck than Kashmir in the matter of government.'[9] In placing on record my own understanding of what went wrong in Kashmir, I point up the tremendous challenge and also the tremendous opportunity. As the promise of the future begins to brighten, there are lessons to be learnt and experiences to be shared—and much work to be done before those magnificent hills can again bask in peace to match their peerless beauty.

1

OVERTURE

Who has not heard of the vale of Kashmir
With the brightest roses the earth ever gave,
Its temples and grottos and fountains clear
As the love-lighted eyes that hang over their wave?
—Sir Thomas Moore, *Lalla Rookh*

When I first went to work in Kashmir as a member of the Indian Administrative Service (IAS) in 1969, the state of Jammu and Kashmir was moving closer to union with India, a process that began to show real promise by the close of the 1970s. But state policy was grievously flawed in a manner not widely perceived even from within the state machinery. Policymakers did not understand Kashmir's history; as a result, they grossly underestimated the importance of the unique cultural and religious landscape that has evolved there.

Although I had visited Kashmir before 1969 as a tourist, my real introduction to the Valley and its people began that July. I arrived from Jammu in a bus laden with Bengalis—it was the Bengali tourist season—with one irate lady remonstrating indignantly because a young fellow had implied that she'd purloined his package of *desi* sweets. '*Chhi! Chhi! Chhi!*' was her refrain whenever the young fellow so much as mentioned the subject, even in wishing to apologize if he had offended her. But what flashes most clearly in the inward eye of

memory is the hush that fell over all the passengers in the clattering bus as we emerged from the murky Banihal Tunnel into the verdure of the Kashmir Valley. The emerald panorama soothed the eye, the cool air invigorated the spirit and the busload of jaded travellers rebounded from the oppressive humidity of India's northern plains as we burst into this legendary paradise.

Jammu and Kashmir was under the chief ministership of G.M. Sadiq, a friend of my father, and my assignment to Jammu and Kashmir was the subject of some conjecture in press gossip. I was the only Muslim in that year's batch of the IAS, or indeed of any of the all-India services, of which the IAS is the elite branch. Was it simply chance that I was assigned to the only Muslim-majority state in India? Or was the appointment a result of the family friendship? One young colleague, Peter Colaco, certainly assumed that the former was the case and that he had thus been assigned a state following alphabetical order to which he objected and resigned his service in consequence.

The 1960s was a period of considerable political ferment in Jammu and Kashmir as it moved towards integration with India. All-India services recruits were assigned to Jammu and Kashmir starting in 1962 with the assignment of R.K. Takkar—who rose to become its chief secretary—bringing the state into administrative conformity with the rest of India. While measures gathered pace during the 1960s to bring the state's constitution closer in line with the Constitution of India—the first elections to panchayats were scheduled for 1970—there was a quest for ways to encourage greater public participation in governance without compromising (what was perceived as) national security.

Security concerns were the main focus of India's Kashmir policy at the time and increasingly so thereafter. Although Kashmir had joined India of its own volition, the Government of India was in constant fear that the loyalty of the Kashmiri public—overwhelmingly Muslim in the Valley—would fragment and gravitate towards Pakistan. This fear was particularly strong following the public resentment after the ouster of Sheikh Mohammed Abdullah's government in 1953; his leadership had secured the state for India, but by the early 1950s, he was a determined advocate for the autonomy of Kashmir and thus an adversary of the Government of India. His own philosophy stemmed consistently from

a deep conviction that autonomy within India was the only viable alternative to his preferred '*azadi*'—freedom—that was to become the underlying theme of Kashmiri sentiment into the next century. But, because of the events of 1953, all potential candidates for heading the state government were subjected to the Indian government's fine toothcomb of scrutiny regarding adherence to India's national security interests. Individual competence, integrity and even the measure of public support commanded were secondary considerations.

The wound of Partition was still raw when I arrived in Kashmir in 1969. Indeed, even two generations later, the people of India and Pakistan, particularly those of northern India and Pakistan's Punjab, have not been able to come to terms with the scar of Partition. The cost in terms of human suffering arising from the miscalculations that resulted in Partition, rending the entire cultural legacy of Punjab in a paroxysm of violence, is not easily forgotten. Mahatma Gandhi had warned that Partition would be 'like eating wooden *laddoos*, if they eat they die of colic; if they don't they starve'.[1] By the 1960s, the affliction that Gandhi foresaw was widespread: the pain of Partition was unspoken but cut deep.

On 30 January 1970, the anniversary of the martyrdom of Gandhi, I was training with the deputy commissioner of Baramulla district, Fazli Ahmed Khan. Khan was a member of the ousted royal family of Afghanistan—sought unsuccessfully to be imposed by the British—who had settled in Allahabad and was inducted into India's administrative service. He expressed the view that every Muslim and every Hindu of India bore a small corner of hatred in his heart for the other. I found that a disconcerting but intriguing proposition; I realized that the sentiment contained an element of truth. Why?

India, to me, is like Shakespeare's Cleopatra through the eyes of Enobarbus: 'Age cannot wither her, nor custom stale/Her infinite variety.' Diversity is the soul of India and the source of her greatness. Since my youth, I have been troubled by the thought that fanatics in India should want uniformity of culture, even religion, when there is such ineffable beauty in the richness of its contrasts. And such fanatics have too often been allowed to browbeat society unhindered in the quest to mould India into a nation. This very effort to trammel India's soul has been its surest source of bloodshed.

Kashmir's rich ethnic and religious diversity make it a microcosm of the Indian nation. Many of the rishis of old sought enlightenment in Kashmir, including the eighth-century saint Adi Shankaracharya, who rejuvenated Hinduism after centuries of Buddhist domination and whose teachings are the fountainhead of what is defined as Hinduism today. The dominant hill of the primarily Muslim city of Srinagar is topped by a shrine to this savant from south India and has respectfully borne his name through centuries of Muslim rule.

Islam came to India as the religion of maritime merchants and took root in the deep south, spreading through Sri Lanka and over much of South-east Asia.[2] But in north India, its impact was felt as a fully developed imperial power. The faith's arrival was almost simultaneous with the transformation of Islam from its early eclectic form—which reached out to the oppressed of all faiths, seeking knowledge from all sources, to pulsate with the excellence attained in the glittering civilization of Andalusia at its zenith. The Abbasid caliphate became a bastion of learning and enlightenment to fill the hiatus created by the decline and fall of the Roman Empire and all its intellectual accoutrements—the intellectual trend of Muslim thought manifested in Al-Beruni's *Kitab ul Hind*. The caliphate was destroyed by Genghis Khan's grandson Halegu in AD 1258.

In 1017, at the behest of the marauding Turkish adventurer Sultan Mahmud of Ghazni, mathematician and astronomer Al-Beruni travelled to India to learn about the Hindus 'and to discuss with them questions of religion, science and literature and the very basis of their civilization'. He remained in India for thirteen years, studying and exploring. Al-Beruni's account of almost all aspects of Indian life is among the most perceptive of any foreign scholar's. He not only studied Sanskrit literature but also sought out and met many Indian mathematicians and philosophers. Some today find it ironic that the most comprehensive study of India of the Middle Ages is the work of an Islamic scholar who was not Indian. Al-Beruni, always sympathetic and often admiring, provides elaborate descriptions of travel tales as well as discussions of divinity, literature and mathematical equations. And

he is but one example, albeit a shining one, of the inquiring Muslim mindset of the times.

Imperial Islam came to India in full force and with a politically defensive world view at the same time that Genghis Khan's hordes from the East and Christian crusaders from the West were assaulting Islam's heartland (in the twelfth and thirteenth centuries). The political establishment developed relatively insular attitudes in matters of religion while building on the multi-ethnic political heritage of Pax Romana. The early Muslim kingdoms in India possessed many of the strengths of a multi-ethnic state, but they were military entities, relying for revenue on military conquest and extortion. Meanwhile, the spiritual aspect of Islam gained a growing audience, accounting for the resurgence of Islam after its political eclipse in the thirteenth century.

The doyen of the Sufi tradition, Maulana Jalaluddin Rumi, was a seer of the early thirteenth century. Fleeing Tajikistan from the Mongol onslaught, he settled and preached in Anatolia, where he founded the Mevlevi school. Almost simultaneously, the Naqshbandi order arose in Bukhara. The traditions of the Chishti silsila, established in north India in the twelfth century, set the stage for a convergence of cultures in India. The Sufi tradition retains its vitality in Kashmir to this day; the Rishi silsila has made unprecedented gains in its founder's quest for a union of faiths in Kashmir. Located in Harwan, close to the bank of the Dal Lake, the living *khanqah*, or cloister, of Sheikh Mirak Shah is a haven of peace in the suburbs of today's Srinagar even as violence has swirled about it.

The history of Islam is inextricable from the history of Kashmir. The faith developed a distinct identity: the Indian Muslim world was deeply influenced by the ancient heritage of Hinduism. India saw a surge in the spiritual form of Islam in the various schools of Sufi thought, which preceded Turkish invasions from the north-west and went on to become the foundation of the vibrant form that Islam took in India.

The impact of Islam on India can then be seen in two aspects: imperial Islam on the one hand and religious—or spiritual—Islam as embodied in Sufi thought and teaching on the other. Akbar Ahmed,

Ibn Khaldun chair and professor of international relations at American University, sees the beginnings of the conflict between these two traditions in the confrontation between the two principal contenders for the Mughal throne in seventeenth-century India: Dara Shukoh, the champion of inclusivism, and his younger brother, the exclusivist Aurangzeb, victor in the war of succession to the throne of Shah Jehan.[3]

The Sufi movement contributed to the regeneration of spirituality in Indian society through the bhakti movement, which included Muslims among its foremost exponents. Simultaneously, India's Islam developed exclusivist characteristics. These two traditions indeed came into conflict, best manifested in the evolution of the Sikh faith. Sikhism, among the youngest of the world's religions, evolved as an offshoot of Sufism at the close of the sixteenth century; but because it championed the peasantry at a time when Mughal India was beset with an agrarian crisis, it came into direct conflict with a Muslim empire in retreat at the close of the seventeenth century.

In November 2003, while talking to a group of Pakistani Americans in Washington DC over an Iftar (breaking of the fast in the month of Ramzan, or Ramadan), I was surprised to learn of the Pakistani Americans' low regard for the influence that Sufi shrines still exert over common folk in India and Pakistan. The general feeling was that these shrines were the haunts of deluded illiterates and the instruments for extortion by avaricious conmen. Although many Indians, Muslim as well as Hindu, look askance at the extortion in the guise of religion that occurs at several Sufi shrines—identical to what occurs at many Hindu temples—the Indian intelligentsia does not view the shrines with the same contempt expressed by the Pakistani intelligentsia.

Carl Ernst, chair of the Department of Religious Studies at the University of North Carolina, Chapel Hill, was told by Pakistani acquaintances when he was researching *Teachings of Sufism*: 'Well, you should know that Sufism has nothing to do with Islam.'[4] The orthodox Islamic schools in India, the Darul Uloom of Deoband and the Nadwatul Ulema outside Lucknow, have remained aloof from Sufi ideas, but functionaries of the Madrasa Nizami at Lucknow's historic Ferangi Mahal have participated in festivities of prominent Sufi shrines. These two principal streams of Islam in India—spiritual and political—

usually in accord but sometimes at odds, split distinctly with the rise of 'modernism'.

The idea of a Muslim nation has its roots in the nineteenth century, when the more westernized among India's intellectual Muslim leadership sought to overcome the humiliation wrought by the brutal suppression of the 1857 uprising. That uprising, described by the colonial overlords as a 'mutiny' and by India's twentieth-century campaigners for freedom as India's first war for independence, was the last time that Hindus and Muslims fought so unitedly in common cause. The uprising was in many ways a defence of the Mughal legacy, which Indians saw as threatened by British attempts to undermine their religion. Pakistani journalist Husain Haqqani, who was to become Pakistan's ambassador to the US, echoes a widespread sentiment when he observes, 'The very act of Partition was the recognition of the existence of two nations in India, Hindus and Muslims. Two nations who were so fundamentally different from each other in all respects that they could not exist in a single territorial unit.'[5] This was a contradiction of the inclusivist trend in India's Islam. But the visionaries of Pakistan, themselves modernists, failed to see that in a country as richly diverse as India, a large, relatively cohesive Muslim population—which today would have constituted 35 per cent of a united India's population—would have become a potent political and cultural force. This 'modernism' was a direct consequence of the spread of Western education among Muslims in India, as indeed among Hindus. After the suppression of the uprising of 1857—seen by the colonial rulers as the most serious challenge the British Empire had ever faced—Western education became an important policy for the British. In fact, Lord Macaulay, an architect of this policy,[6] had, as early as February 1835, spoken in Parliament of the need, if British rule were to be perpetuated, to replace India's 'old and ancient education system, her culture' so that Indians might think that 'all that is foreign and English is good and greater than their own'. Soon after the uprising, the British supplanted the rule of the East India Company with direct British government rule of Her Majesty Queen

Victoria. And, in keeping with Macaulay's advice, they so tailored their education, and indeed their India policies, that India's Hindus and Muslims might feel apart and seek their separate ways within the 'benign' ascendancy of the British Empire. Under the definition of India's Hindus, they clubbed all of India's faiths that were born on its soil, as against those emanating from West Asia.

It is then no coincidence that the progenitor of modernism in India's Islam was Sir Syed Ahmad Khan, the founder of the Anglo-Oriental College, known today as Aligarh Muslim University. Sir Syed was himself a resident of Mughal Delhi when it fell to the British in the wildest agony of all the savage retributions for the men of 1857 wreaked by the British colonialists.[7] He was then convinced that what had brought ruin to the erstwhile Mughal Empire was its decadence, a part of which he felt was its inclusive nature that had evolved over centuries, manifesting itself in the arts and architecture that are now seen as its abiding legacy. He opposed the introduction of general elections, arguing, 'In a country like India . . . the larger community would totally override the interests of the smaller community.' Because Partition was crafted on the basis of the exclusivist tradition within Islam, the ramifications of Partition for Kashmir were momentous.

Kashmir had a strong but ancient Buddhist tradition when Islam first arrived through the Sufi movement. By the early fourteenth century, Islam had taken firm root, not by rejecting the Saivite heritage but by building on its foundations. Islam in Kashmir was thus a syncretism that took place less completely in the neighbouring state of Punjab and in the non-Kashmiri parts of what would later become the state of Jammu and Kashmir. The Afghans, who ruled during the eighteenth century, lost Kashmir to the Sikhs under Maharaja Ranjit Singh in the early nineteenth century. The Sikhs ruled from Lahore and later, supplanted by Dogra rule, from Punjab's contiguous Jammu—Punjab's former feudatory. The Kashmiris were a deeply religious people; but in the name of Islam, a new nation was forged, under a leadership that had sprung from the Punjabis, whom Kashmiris saw as their oppressors. This latent resentment against the Punjabi ruling class was exacerbated by Kashmir's overdependence on Punjab during Sikh rule. In the 1940s the only railroad into Jammu and Kashmir ran sixteen miles from

Jammu to Sialkot, a major city of Punjab in today's Pakistan. The only all-weather road ran west from Srinagar through the towns of Baramulla and Muzaffarabad along the Jhelum River into the western part of Punjab, today Pakistan's majority province. The principal trade conduits for the timber from Kashmir's forests—its chief source of revenue at the time—and for its fruit and handicrafts were the Indus, Jhelum and Chenab rivers, all flowing into Punjab. Thus, the middlemen of Punjab's capital, Lahore, had a stranglehold on Kashmir's business.

When Maharaja Hari Singh ascended the throne of Jammu and Kashmir in 1925, the bureaucracy he engaged to run his administration included some of the most eminent minds among India's Muslims. Together with their Hindu colleagues—often from Punjab—these officials received land, titles and privileges that few Muslim Kashmiris could ever aspire to. The Dogra rulers of the state, since purchasing it from the British in 1846, had taken away the rights of the peasants to buy and sell land, effectively reducing Kashmiri Muslims to landless tenants.

In 1931 Sheikh Mohammed Abdullah founded the Muslim Conference, starting a movement against the maharaja and for autonomy for Kashmir. In 1941 the conference split into the relatively secular National Conference and the Muslim Conference. The former enjoyed wide support among Muslims of the Kashmir Valley, while the latter had support in Mirpur and Poonch—the Muslim-majority districts outside the Valley. I call the National Conference 'relatively' secular because its support was firmly rooted in Kashmir's Muslim peasantry. By contrast, the Muslim Conference supported the Muslim League, with a large following among Kashmir's middle class, which led the movement for accession to Pakistan.

As the National Conference leader, Sheikh Abdullah faced a clear choice: he could join a Muslim nation whose leadership would surely be Punjabi—a people the Kashmiris feared and distrusted and who were unlikely to respect the distinct religious tradition and identity of Kashmiris. Alternatively, he could join a secular state, where Kashmiris would be free to live a life of their own choosing.[8] Jawaharlal Nehru, the leader of that new nation and the source of those assurances of freedom was of Kashmiri descent. He cherished the Kashmiri heritage, was a personal friend of the Sheikh's and had an inclusive vision of

what India was to be. By contrast, the leader of the newly emerging nation of Muslims, Mohammed Ali Jinnah, was a cold and distant figure, decidedly a modernist who could excite awe but little affection. Moreover, Jinnah expressed a limited vision of what his dream was for the future of the new state of Pakistan, except as a salve to what he saw as the sensibilities of India's Muslims. And so, as would be repeated through the next fifty years, personal relations played a marked role in the trajectory of Jammu and Kashmir's history.

At the time of accession, the portion of the state where Pakistan had its strongest public support lay not in the Kashmir Valley but across the Pir Panjal, in Mirpur and the old Poonch principality of the feudal state of Jammu and Kashmir. Pakistan retains control over a large part of this area, which it calls 'Azad [free] Kashmir' and India calls 'Pakistan-occupied Kashmir', or PoK.[9] The maharaja's preference—on the advice of his prime minister during the critical years of 1945–47, Pandit Ram Chandra Kak—was that the state take advantage of a grey area in the India Independence Act to opt for independence. Because of his opposition to the maharaja's government, Sheikh Abdullah was imprisoned, and released only under pressure from the prime minister of newly independent India—on whose demand too Kak had been replaced as prime minister of Jammu and Kashmir—on 29 September 1947.[10] It was only when Jammu and Kashmir forces faced an uprising by the British Indian Army's decommissioned Sixth Punjab Regiment in the border district of Poonch, and then a military rout by invading frontier tribesmen in the state's border town of Domel on 22 October 1947, that the maharaja turned in desperation to India.

Thus, a Hindu maharaja of a state with a Muslim majority signed the Instrument of Accession. According to the 1941 census, 77.11 per cent of the population of Jammu and Kashmir was Muslim, 20.12 per cent was Hindu and 1.64 per cent was Sikh. Pakistan has argued that the logic of Partition meant that the state had to be part of Pakistan.

In response to the invasion by Pakistan's frontier tribesmen and the support of the invasion by Pakistan's armed forces, the Government of India took the case to the United Nations. India's argument would have been more convincing had India asserted that its case was based on the public will. And indeed, Sheikh Abdullah spoke for Kashmir

at the United Nations in February 1948, firmly declaring, 'We shall prefer death rather than join Pakistan. We shall have nothing to do with such a country.'[11]

However, India's case relied most heavily on the argument that the accession was in accordance with the India Independence Act of 1947, passed not by India but by the British parliament. The accession of Kashmir was identical to that of all other princely states in British India that went on to join the country of their choice. But because of the state's Muslim majority, Pakistan argued that it should logically have acceded to that country.

Neither India's nor Pakistan's case rested on the will of the Kashmiri people. But herein lies a paradox: India's Congress party, which led India into freedom, had traditionally argued for decisions in cases of problematic accession by reference to the people, whereas the Muslim League had argued in favour of decisions made by the princes. In the case of Jammu and Kashmir, these positions were reversed. India's diplomats have only recently come to realize that although the maharaja was indeed the signatory to the Instrument of Accession, there was pressure from his opponents within the state—namely, the National Conference, led by Sheikh Abdullah—that the state opt for India. This pressure, in the face of an invasion by the Afridi and Mahsud tribesmen from Pakistan's north-west frontier, had turned into a compulsion, because India would not agree to committing troops to foreign soil, and so the state's defence by India's army was only possible if it were part of India.

By 1952 the Soviet Union began to look for openings into South Asia. Jammu and Kashmir lies close to the borders with what were then some of the Soviet Union's Central Asian republics and with China's Xingjian and Tibet. The Soviet Union's Jacob Malik, having thus far abstained from the UN debates on Kashmir, made a strident declaration to the Security Council in January 1952, sharply critical of US and UK intentions in Kashmir.[12] This catapulted the Kashmir issue into the theatre of cold war politics as Pakistan moved towards an alliance with the United States in the winter of 1953–54.

The UN Resolution of 13 August 1948 called for determination of the future status of the state of Jammu and Kashmir; it was qualified by the resolution of 5 January 1949, which called for a plebiscite to

determine its future, with the limited choice of opting to be either part of India or of Pakistan. In May 1953 the National Conference, led by Sheikh Abdullah, set up a committee to address the prevailing uncertainty and explore the feasibility of a plebiscite, allowing also for the third option of independence. That committee included Bakshi Ghulam Mohammed, G.M. Sadiq, Girdharilal Dogra and Shamlal Saraf, many of whom went on to serve in the government that replaced Abdullah's. This was in all likelihood a response to the founding of the People's Conference in June 1953, by a close associate of Sheikh Abdullah from his days of the 'quit Kashmir' movement against the maharaja, his then No. 2 Ghulam Mohiuddin Karra—of whom we will hear more later—with the avowed aim of acceding to Pakistan.[13]

The Indian government made the first in a series of blunders from the standpoint of relations with Kashmiris when it dismissed the government of Sheikh Abdullah and arrested him on charges of treason in August 1953, for reasons that are still not clear. But by this time there was a growing mistrust between the Central government and the Sheikh, who had also begun consorting with representatives of the US embassy without seeking the government's acquiescence. This has led a widely read commentator like Ramachandra Guha to speciously assume that 'he [Sheikh Abdullah] entertained the hope that with American help, he might yet carve out an independent nation, a sort of Switzerland of the East'.[14] In addition, a movement was begun by the Hindu nationalists, led by the Praja Parishad (People's Council) in the Hindu-dominated Jammu Division. When the Centre began to intercede in dealing with the outbreak of the movement, it appeared to the Sheikh that that situation had been connived at by India's Congress government.[15]

Was the Sheikh rethinking his support for accession? In his inaugural address, Abdullah's successor, Bakshi Ghulam Mohammed, implied an 'imperialist' (read 'American') conspiracy to set up 'an independent Kashmir under the influence of imperialist power'.[16] What is said to have particularly incensed the Indian government were Abdullah's two meetings in Srinagar with Adlai Stevenson, the recently defeated US Democratic presidential candidate in 1952, who visited Srinagar in May 1953. Stevenson himself as well as the US government stoutly denied any such conspiracy, a denial substantiated by records now in

the public domain.[17] Supposedly, Stevenson urged the Sheikh to opt for independence, perhaps in return for US bases in Kashmir. There was never hard evidence to support this rumour, only widespread conjecture. Prime Minister Nehru, for one, did not buy this theory. 'As for Adlai Stevenson,' he wrote in a letter to his sister, Vijayalakshmi Pandit, on 3 October 1953, 'I do not think he was to blame in any way.'[18] It has been suggested that Adlai Stevenson's name was dragged into the conspiracy theory to alienate India's left, until then strongly supportive of the Sheikh. But this suspected conspiracy was an apprehension among many others in the Indian leadership of the time,[19] and the course that India's relations with the US took thereafter planted seeds of doubt that continued to vitiate India's Kashmir policy for decades.

It is clear to me from my interactions with those who were themselves—or had close relations with those—in prominence at the time, from within the bureaucracy and the national political leadership, that the Sheikh was only rethinking Jammu and Kashmir's relationship with India within the Indian Union. And to this day, Kashmiris look upon his arrest as the first of the many betrayals that prevented India from being able to present its case for Kashmir's accession as based on reinforcing the public will.

2

SONATA

if youth only knew: if age only could.
—Henri Estienne (1470–1520)

When I took my first assignment in Kashmir in the late 1960s, the relationship between Hindus and Muslims was the prominent underlying theme in Kashmir's relationship with India. One cold February afternoon in 1970, I was invited to the residence of Khwaja Mubarak Shah, one of Sheikh Abdullah's premier lieutenants of the time, who had been deputy minister in the Sheikh's government of March 1952. He spoke of the Sheikh's repeated call for Muslims to identify themselves more closely with Hindus. The Khwaja disagreed with the Sheikh, as did I, but for very different reasons. He felt that Hindus didn't 'give a damn' for Muslims and that if Muslims heeded the Sheikh's call, they would be left in the demeaning position of a minority currying favour with the majority. I, however, believed—and still do—that Hindus, with their diverse expressions of faith, and Muslims can maintain separate identities and live in harmony, as varying expressions of the diverse, often contradictory faces of India. But they must accept the heritage of India as a common heritage, as all Kashmiris, Hindu and Muslim, at that time considered Kashmir's.

In Kashmir, the dominant community is Muslim with Hindu (but distinctly Pandit) and Sikh minorities, whereas Jammu has a Hindu

Dogra majority with substantial Muslim and Sikh minorities. Although Jammu City had a large Muslim population before Partition, most of its Muslims migrated to Pakistan to avoid the bloodbath that overwhelmed the city during that time. Pakistan's legendary singer Malka Pukhraj, once a court singer of the maharaja, was one such refugee who lived a long and celebrated life in her adopted land. However, many other Jammu refugees found themselves in far less fortunate circumstances.

The history of India has demonstrated that militant communalism can only lead to adverse reaction; that is, violence begets violence. In Kashmir, Muslim leaders sought to remove discrimination peacefully. The Muslim leadership was conscious that there could be no room for militancy because it would produce only anger in addition to fear. One way leaders felt they could remove discrimination was through hiring practices.

Historically in Kashmir, the primary resource for government service had been the Kashmiri Pandits. Some students of the present conflict have expressed surprise at this 'overrepresentation',[1] but this had been the case since Mughal times. In the early eighteenth century, the Mughal emperor Farrukhsiyar recruited, as imperial scribe for his court in Delhi, an ancestor of the Nehrus—a Kashmiri Pandit whose family was to play a major role in shaping India through the twentieth century and into the twenty-first. The Kashmiri Pandit community has always invested heavily in education, producing, for example, the top Persian-language scholars within the state and across India. A critical date for the Kashmiri Pandits was in the year 1889, when the then newly constituted State Council under the Dogra ruler changed the court language from Persian to Urdu and framed rules for recruitment to government service instituting competitive examinations. This had the effect of sidelining the Pandits who had for generations relied upon their mastery of Persian to gain such admission. Few of them had a similar skill in Urdu, the mother tongue of the Punjabi Hindus, who were deliberately encouraged by the Dogra monarchy to ease recruitment to its government's highest offices.

The Pandits reacted by agitating for justice in the name of all Kashmiris, which included the Kashmiri Muslims, who constituted the largest single community in the state by far, but had hitherto not been contenders for government office. Their success in this effort led

to the passage of a law promulgated by Maharaja Hari Singh protecting the interests of state subjects in 1927. This law still exists, but, over time, it unwittingly kindled a realization among the Muslim majority that they too might aspire to the highest offices. New political forces that had emerged in the twentieth century, such as those led by Sheikh Abdullah, capitalized upon this law. And so the Jammu and Kashmir Permanent Resident Certificate (Procedure) Act, 1963—successor to the Act of 1927—is now relied upon jealously by Kashmir's Muslims as the guarantor of Kashmiri identity.[2] But at the time when the Dogra rule drew to its faltering close, the Pandits dominated the lower- and middle-level bureaucracy of the maharaja of Jammu and Kashmir in numbers far greater than the percentage of their population; the Pandits' prominence in the all-India services continued for decades after Independence. Such prominence was fuelled by educational merit, not by communal preference. Yet, this prominence was consciously discouraged by successive state governments after Independence—beginning with Abdullah's—in order to buttress an entente between the Kashmiri Muslim and Jammu Hindu communities, both dominant in their region.

By the time I arrived in Kashmir, positions in government within the state (though this was never overtly declared as policy) were filled by Kashmiri Muslims; in Jammu, government positions were filled by Hindu Dogras. In this way, the state escaped the charge of being Muslim-centric in a secular country with a Hindu majority, while limiting the sharing of power to the state's two dominant communities at the expense of other minorities. This tacit ethnocratic compact brought a sustained period of stability in governance to a multi-ethnic state. Because the Central government continued the practice of recruitment on merit, Kashmiri leaders saw this policy as active Hindu communalism—although discretion kept them from voicing such a view.

The communities that made up Jammu's minorities were not a primary human resource for government service, except in the military. The Poonchis had a long martial tradition and had been major contributors to both the maharaja's and British India's militaries. With the creation of Pakistan, the Poonchis became reconciled to diminished recruitment in the Indian Army. By the late 1970s, after three wars with Pakistan and after the patriotic credentials of Poonch's

Muslims were re-established, widespread recruitment in the paramilitary forces resumed.

Never a part of the peasantry, Kashmiri Pandits had always been reimbursed for their service to government with the award of landed properties. Then, in July 1950, the Big Landed Estates Abolition Act liquidated the ownership of landholdings in excess of twenty-three acres. In a single stroke, the act ended feudalism without compensation and restored land to the peasantry, which in Kashmir was entirely Kashmiri Muslim.

Many among the Kashmiri Pandit leadership, recognizing the course that the state must take, had supported the Sheikh's National Conference in its movement for the end of feudal rule. In its early days the Muslim Conference had been virulently critical of the 'Hindu' state of the Dogras and specifically of the Pandits, who they saw as the allies of that abhorrent entity. Speaking in Tragapura village as leader of the Muslim Conference in 1933, Sheikh Abdullah had exhorted that the task of the Muslims of the Valley was to 'turn out the Hindus, who from times past had been giving the Muslims trouble'.[3] Indeed, Pandit intellectuals, such as leftist writer and activist Prem Nath Bazaz, coined the term 'Kashmiriyat' to project a common cultural heritage among Kashmiri Hindus and Muslims, though in the process papering over their religious and social dissimilarities. But the course set at the dawn of India's independence meant that this interpretation of communalism would not be accepted by either community.

In early June 1970 mysterious fires swept through villages in Baramulla district. Baramulla is located on the Line of Control, or LoC, a de facto ceasefire boundary separating the disputed areas of Jammu and Kashmir. Travel across the line was an accepted though illegal activity at the time. I met with Khwaja Mubarak Shah in Srinagar, who stated confidently that India's Border Security Force (BSF) had set the fires, hoping to curb infiltration from Pakistan.

As fires swept the towns of Baramulla, Sopore and Bandipore, panic spread. Vigilantes from the various villages patrolled the area. There were reports of jeeps being stopped and their occupants being beaten

regardless of their status as government officials. The Khwaja declared that some suspects in the fires were actually caught leaving the site of a fire but, when found to be from the BSF, were released by the police. Conspiracy theories have always abounded among Kashmiris, a people whose dexterity in weaving conspiracy theories is legendary even within the state.

In this electric atmosphere, I assumed charge as sub-divisional magistrate in Sopore, in Baramulla district of north Kashmir, on the morning of 8 June 1970. In hindsight, I can see the deep cleavages in Kashmir's governance that, two decades later, would mean the collapse of its administration. My first engagement on taking over was to visit a town where a fire had occurred. Mohammad Amin Khan, the Congress party member of the Legislative Assembly, was there. He was filthy and ragged—demonstrating his scant regard for his constituents whom he was supposed to address—and his face reflected his contempt for his people. He asked that the villagers cooperate with the government, but his voice was unfeeling, simply performing a tiresome duty, insensitive to their plight. Brigadier Randhawa, deputy inspector general (DIG) of the BSF, spoke next. He announced in a stentorian tone that he had fought three wars in Kashmir and that he knew the Kashmiris to be brave and patriotic. But Pakistan coveted Kashmir, he said. It wanted to create a rift between the people and the armed forces, and that was why the fires had been started by Pakistani elements. He warned that there were traitors among the people and that to protect citizens, the BSF would start patrolling nearby villages. At any time of day or night the BSF might enter people's homes and shoot anyone they suspected of intending mischief. He emphasized that this was not his voice but God's, speaking through him, because he was protecting the right and combating the wrong.

I was chilled. I stepped forward to reason with him. I pleaded that his soldiers not bear arms, even though under the law I was within my rights to order that they not do so, or that they patrol only with the orders of the civilian authority. But the brigadier would brook no argument. I recalled an incident outside the town of Kupwara, near the LoC, where, during my training I had seen residents being accosted by guards and humiliated. 'Where are you going?' demanded the patrolman from the group of labourers returning home after work. 'Home,' they

whimpered timidly, barely making so bold as to look the jawan in the eye. Upon this, the jawan proceeded to hurl abuse and invective, caring little for the labourer's submissive posture. He ignored the obvious fact that as free citizens they had every right to work anywhere and at any time, including after dark, as there was no declared curfew, or indeed any other restrictive magisterial order in force. And did I, a passer-by seeing this, say anything? A first-class magistrate myself, did I intercede to prevent the humiliation? New as I was to service in government, I was unsure of my authority and so I simply looked on aghast. But now the Khwaja's suspicions and the deep fear of the people had left a lasting impression on me. I asked the brigadier to abstain from action until I received the authorization of the deputy commissioner. He responded, 'We are not *satyagrahis*, you see. The Valley is burning. I cannot for a single minute delay . . . The Valley is my responsibility.'

That night, the deputy commissioner, administrative and magisterial head of the district, of which the subdivision is part, invoked Section 144 of the Criminal Procedure Code (CrPC), banning 'unlawful assembly'—which all gatherings were declared to be. The head of the state police met in Sopore with the DIG, the superintendent of police (SP) of Baramulla district and Sopore's deputy superintendent of police (DSP) and worked out a plan of patrolling. No one so much as consulted the deputy commissioner, let alone me, the sub-divisional magistrate, about this plan. There were thirty-six arrests in Sopore and twenty-two arrests in Bandipore that very night, including government servants and sons of government servants. The day I arrived in Sopore the fires stopped.

Later that month, a group of *padayatris*, peripatetic pilgrims, visited Sopore as part of their mission to traverse the country on foot preaching the Gandhian message of ahimsa. The four women were followers of Vinoba Bhave and ran a school to carry on the tradition of Mahatma Gandhi, in Wardha, Maharashtra. I met them one evening, chatted with them and told them of the situation in Sopore. They asked about the arrests in Sopore and Bandipore and I said it was 'nothing political'. They asked why they were not allowed the use of a loudspeaker to preach their message and I replied that people were nervous because of the fires.

The women explained that they had come to preach love and unity. But the state wanted to ensure that the padayatris would not be able to meet the people of Sopore and promote their belief that Kashmir and India were one. And, because we in the government failed to see the Kashmiris as our own people, we did not want the padayatris to know what the people thought of India. Thus, the hall where they conducted their 'public meeting' was packed with government clerks and policemen in civilian attire. We presented an audience that, although ostensibly enthusiastic, was under direction from the police to demonstrate only 'patriotism'. Later I discovered that this was the pattern for organizing the celebration of Independence Day and Republic Day in the state capital, Srinagar, where enthusiasm was to be demonstrated but never felt. The padayatris, on a mission of peace, spoke to their audience of ancient wisdom, compassion and God, and of property being only a trust from Him; afterwards we flattered them about the greatness of their mission, all the while refusing them access to the intended recipients of their Gandhian message.

In July 1970, soon after I took on my assignment in Sopore, Abdul Ghani Chogali, a fanatical supporter of the Islamist party Jama'at-i-Islami, called on me. Sopore, the hub of Kashmir's apple industry was then, and remains today, a stronghold of the Jama'at. The Jama'at represents radical—or if you like 'modernist'—Islam of which we will hear more later. Chogali was the founder of the newspaper *Tarjuman-ul Haq* and editor of *Dard*. He met with me twice for hours. He was a fascinating personality, a firebrand, with shifty eyes and a charmingly mischievous smile.

Chogali told me that he had been in jail under the Defence of India Rules, the law designed to counter subversion. Damoo, secretary of the Muslim Education Trust and sometime secretary to Mirza Afzal Beg (Sheikh Abdullah's principal lieutenant), had been arrested on a Friday; Chogali had denounced the arrest at Friday prayers, asking why Damoo was arrested. The government had not responded to Chogali's questions. A sub-divisional magistrate is in theory—and, everywhere else in India, in practice as well—the highest civil authority within the subdivision. I was presumably the chief administrative executive of the subdivision, but I did not even know of Damoo's arrest, let

alone its reason. Of course, I pretended to know, nodding sagely and smiling enigmatically in response to Chogali's tale.

The next day I asked Abdul Majid Lone, Sopore's DSP, the reason for the arrest. His response was ambiguous. When I had on an earlier occasion asked him to arrest the persons who had removed the irrigation department's needle from the irrigation channel, thus threatening destruction of the standing crop, the DSP had advised that we avoid arresting the guilty parties. According to him, the criminals were henchmen of the local *kharpainch* (tough) of the affected village, which gave them political standing. So, a crime that could threaten the livelihood of a number of citizens was to be fobbed off, but a political activist provoked a repressive response. And the supposed head of the civil administration was to be offered no reason, even on asking! It became clear to me then that in those peaceful times, the only active law was the Defence of India Rules, which allowed the police to keep their reasons for arrest and detention secret from the magistrate—supposedly the principal law enforcement authority. These rules, passed under the Defence of India Act of 1962, were designed to deal with threats to national security in wartime; in Kashmir, they were used to quell civil unrest. Small wonder, then, that a feeling of subjugation had begun to permeate people's minds—a feeling that, together with perceived religious discrimination by the Government of India, began to make religion the focus for protesting apparent inequities. And the policemen themselves began to feel that they were no more than instruments of repression of their own people, forced into this to earn their daily bread. I know this because, although my engagement with Lone was initiated in mistrust, he and I were to eventually become friends. Our friendship was violently sundered with his murder by militants in a hospital bed where he lay recovering from injury in the early 1990s, the morning after I had called on him.

On 16 July 1970, Prime Minister Indira Gandhi addressed a public meeting at the Polo Ground in Srinagar. I travelled to the city to join the audience. Dressed in silk of cascading gold and green, she was beautiful in the cool sunshine, and she seemed to embody the hope of India.

But her speech was unimpressive. She spoke of the history of Kashmir as irreversible, implying that the state's accession to India could not be undone. She implied that, though she was not threatening military action, because it was not her habit to threaten, the army stood ready to defend Indian unity. She was slow and hesitant and spoke without inspiration or conviction, except in her last line. In this she declared, 'We will build a new Kashmir, quickly if you help, slowly if you don't, but build it we will!'

The next day, in protest, students held anti-India demonstrations in Srinagar and they were dispersed with tear gas. Back in Sopore, I visited Sopore College and took precautions against an expected demonstration in this pro-Pakistan township. Fortunately nothing happened, though Mrs Gandhi's speech had caused resentment among the youth and was looked on with misgivings even by her supporters. Miss Mahmooda, then principal of Srinagar's Government College for Women and an adviser to Chief Minister Sadiq—who was to become joint secretary to the Congress party at the national level—told me she felt Mrs Gandhi should not have spoken as she did, that she had sounded like Balraj Madhok. At that time, Madhok was the stormy petrel of India's political scene, the strident exponent of the Bharatiya Jana Sangh's (precursor of the present Bharatiya Janata Party, or BJP) ideology and apostle of the exclusivist Hindu philosophy, which was to emerge as 'Hindutva', the hard-line assertion of the Hindu political doctrine.[4] Mahmooda was obviously alluding to the demonstrations of the Praja Parishad in the early 1950s.

Ninth August was observed in Jammu and Kashmir every year as Black Flag Day to commemorate the arrest of Sheikh Abdullah in 1953 and the dismissal of his government. In 1970 the hartal was complete; not even a hawker was to be seen—it was impossible to get even a cigarette.

India's Independence Day 'celebration' was a marked contrast. The celebration was compulsory for government offices only at the district headquarters, which were in Baramulla, but I felt it was important to mark this date with pomp and éclat in Sopore. Thus, preparations for a parade and unfurling of the national flag were made overnight. The flag hoisting took place at the police station, in a spacious compound, attended merely by fifteen citizens from a town of more than ten

thousand. Although one member was present from the Legislative Council, the upper house of the state legislature, there were no members of the Legislative Assembly. One gentleman, who prodded me in the back throughout the entire proceeding, had turned up only to ask me to depute the concerned official to the village of Sangrama to restore the irrigation which his neighbours had disrupted.

I made my first-ever ceremonial address. In my speech I remarked that we are all Indians and therefore one. As I spoke, some of the fifteen members of the audience left. Not even the parade or the loudly played national anthem could attract an audience. The contrast between this virtual boycott and the all but universal observance of Black Flag Day was striking indeed. A friend from the foreign service, Arif Hussain, who was training in my district at the time, wondered whether this was perhaps how the British had celebrated their national days in India.

Yet, the atmosphere in Kashmir in general was peaceful. To all appearances, the state was much like the rest of India: moving—slowly, to be sure, but decidedly—on the road to progress, despite the levels of venality within government, which were distressing to me, a fresh-faced youth. Only later did I learn that this was nothing unique to Kashmir; corruption pervaded every state in the country in varying degrees. But the Kashmiris felt that, thanks to India's tolerance of this venality, theirs was the most corrupt state government anywhere—an assumption that abides to this day. As the 1972 State Assembly elections approached, people's hopes for change rose. Economic progress had brought the will and capacity of those once considered members of a class without wealth or education to challenge the hegemony of the middle-class elite, who had seized authority with the political coup of 1953.

In the meantime, the December 1971 India–Pakistan War that created Bangladesh made hardly a ripple in Kashmir, although there were the usual blackouts and sirens. I remember standing on the veranda of a neighbour's home in Khannabal, a suburb of the district town of Anantnag, whistling for my Alsatian Hannibal. An army patrolman of the Central India Horse marched up to the gate and demanded aggressively to know who I was signalling. Without thinking I replied, 'I was calling for my dog, not for you.' That succeeded in silencing my interlocutor, who then slipped away.

The day the surrender of Pakistan's entire Eastern Command was announced, I had a conversation with my office accountant Malik, who had called on me for official work but tarried to lament that he, a Muslim, was ashamed that a Muslim army had surrendered so tamely. When I argued with him, he said that he was only voicing a view generally held by Kashmiris, though he admitted it had more to do with sentiment than with logic. A former military attaché with the US embassy in Pakistan, speaking at the Brookings Institution in a South Asia Policy Lunch Series in 2003, spoke of a 'red line' in Pakistan's attitude towards defence: the fear of military humiliation. It had been clear to me from early on that resolution in Kashmir could not come without the restoration of Kashmiris' dignity.

I remember thinking in the early 1970s that our only hope for lasting peace in Kashmir would be by giving its people a clean and efficient administration, which thus far had been denied them. G.M. Sadiq passed away in December 1971. He had lost his bid to ensure a free election to the panchayats. Sadiq had hoped to induct Sheikh Abdullah's Plebiscite Front into the electoral process by ensuring that the panchayat elections were contested on a non-party basis.

The Plebiscite Front had been set up by Sheikh Abdullah's lieutenant Mirza Afzal Beg and the Sheikh's supporters in August 1954 as a political vehicle after the Sheikh's unceremonious ouster in 1953. Its agenda was to demand the plebiscite promised under the UN Resolution of 10 January 1949; by the early 1970s the Plebiscite Front was the only political entity in Kashmir with mass support. In my view, contesting the election was the Plebiscite Front's only hope of reclaiming the leadership of a leaderless people, even though at the time the panchayats exercised no administrative or financial powers. Sheikh Abdullah and Mirza Afzal Beg announced that the party would enter the electoral fray.

The old guard of the PF stoutly resisted the decision to participate in the election, because they felt that would be a sly way of inducting them into the political process, without gaining a substance of authority and one they had spent years fighting as illegal.[5] Many in the bureaucracy were discontented because the government had failed to deliver on promises made before the last election. The air was filled with debate, fired by hope for the impossible. But, the panchayat elections were fought along party lines. The announcement of the results, doctored

in the usual manner, was accompanied by sporadic violence, with Baramulla's SP Syed Ahmed Shah (Shamji, Mahmooda's brother)—who had indiscreetly boasted that the results would be as he directed—being dragged from the counting hall and brutally beaten. But daily life resumed, and the panchayats as institutions faded into oblivion.

A search was going on for pliable officers to place in the Kashmir Valley in 1971, in time for the general election. There had been a concerted effort to abolish district recruitment boards. The boards had been instituted by Sadiq to administer recruitment to government service through a process designed to diminish political patronage. But the 'elected' leadership was hardly interested in progress, only in maintaining its own hold on the people—a hold that was tenuous as it was based on nothing other than patronage. Hence the effort to abolish the boards.

The elections to the State Assembly were held as scheduled in 1972, with the Plebiscite Front banned from participation. Sadiq's dream of bringing the PF into the electoral process to make democracy real for Kashmir's people had died with him. What could have been a turning point towards realization of democracy in Kashmir became instead more of what the state had come to expect in every election since Independence. Because the panchayats had been fought on party lines the PF had not participated (although it had supported candidates). The doctored results had demonstrated that there was to be no move towards greater freedom. Chief Minister Syed Mir Qasim's government, which succeeded Sadiq's, had no intention of sharing its monopoly on state power. Kashmir would have to wait another five years to get a whiff of freedom.

Mufti Mohammed Sayeed was then minister for public works in the Congress government of Qasim. He was to head a government of a coalition of parties for three years after the elections of 2002, making him chief minister of the state. In 1972 he was in charge of the elections in his home district of Anantnag, in south Kashmir. I was posted to the Khannabal constituency (Anantnag) as presiding officer in a polling booth. Under India's election laws, as the presiding officer administers the polling, one or more polling officers assist him, and he reports to the returning officer of the constituency—usually the deputy

commissioner. A 'pliable' officer would ensure that the election was conducted as directed by the political authority.

The election in the Khannabal constituency, under Mufti's orders, was to be free. Shamsuddin, the Congress candidate, had briefly been the chief minister of the state, replacing Bakshi Ghulam Mohammed in October 1963. Although his had been but a stopgap posting until Sadiq took over after the Hazratbal crisis of December 1963, now, in 1972, with Sadiq gone, he was a potential rival for the leadership that needed to show him his place. Thus, officers like me, with no commitment to any particular political party, were given duty in his constituency, which was considered 'free'—that is, where an official candidate of the ruling Indian National Congress would be allowed to lose. Those officers with more proven 'skills' in conducting elections were deputed to the more 'sensitive' (i.e., hotly contested) constituencies. To the surprise of the state leadership, Shamsuddin won in Khannabal despite being from the Congress, although the party could not win in a free and open election in Kashmir at that time. To be defeated therefore meant only that the official candidate's victory had not been 'arranged'. And defeat was also necessary medicine for any contestant with support from the party's national leadership, one who was 'inconvenient' or seen as a possible rival to the local leader.

In any election at that time, the polling itself was only the final step. In elections, including those to the Constituent Assembly, the initial plan of the ruling party was to find a legal excuse to reject the nomination of the opposition candidate.[6] Before a contest was even announced, voters would have been carefully guided by browbeating, blackmail and threat by the local kharpainch, usually a party activist. If the voter failed to be 'persuaded', he could simply be substituted at the polling station, with the pliable presiding officer turning a blind eye to fake identification. If all else failed, the polling station was seized by a standby mob, with the pliable official failing to seek cancellation of the election. Only established supporters of the ruling party were allowed in. And if, somehow, the electorate should get around or through this obstacle course and actually cast a vote for their preferred candidate, the ballot boxes could be stuffed with fake ballots, stamped at the appropriate spot before eventually arriving for safe storage—usually in

a strong room of the government treasury at the district headquarters. As a last resort, not often used, the winning and losing numbers were simply changed to favour the 'preferred' candidate, even as supporters of the other, sensing victory, were already celebrating in the streets! The advanced arts employed in this exercise had become legend, with different officers placed in various categories according to their abilities to manipulate elections.

In the end, the 1972 elections were little different from those that had preceded them. The Congress took fifty-seven of seventy-five Assembly seats. While transferring the ballot boxes from the polling station to the treasury in Anantnag, my young Kashmiri polling officer grimaced and said, 'Four days of moonlight, five years of darkness.'

But this was, in fact, a time of change. Pakistan had been defeated over Bangladesh, and in July 1972 India's prime minister, Mrs Gandhi, and Pakistan's President, Z.A. Bhutto signed the Simla Agreement. Under the agreement, both sides agreed to meet to discuss the 'establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations'. The threat from Pakistan had receded. Mrs Gandhi realized that if the Kashmir issue was to be resolved, the Kashmiris had to become full participants in India's democracy; the undisputed leader of those people was Sheikh Abdullah. Negotiations with the Plebiscite Front, known as the 'Beg–Parthasarthy talks', began between Mirza Afzal Beg, adviser to Sheikh Abdullah and founder of the PF, and G. Parthasarthy, a retired Indian civil servant. The result was what has come to be known as the Indira–Sheikh Accord.

In 'What Went Wrong and How?'[7] Munshi Ghulam Hassan of Srinagar (whose father, Munshi Mohammed Ishaq, was a leading functionary of the Sheikh's party) has shown, from the letters exchanged between National Conference leaders, how the issue of accession was still being spiritedly debated up to 1946; Hassan also illustrates the trajectory of Abdullah's political career. Before Partition, the Sheikh was unhappy with what he perceived to be Congress's policy of appeasing Indian princes; indeed, the Sheikh's movement was primarily directed against just such a prince. Having been perceived as impeding integration of Jammu and Kashmir with the rest of India, the Sheikh was

arrested in the wee hours in August 1953 without even the opportunity to bid his family farewell. He was released in 1958, only to be arrested again. Released in 1964 as part of Prime Minister Nehru's final effort to settle Kashmir, the Sheikh visited President Ayub Khan in Pakistan. But he was arrested again in the summer of 1965 on his return from a pilgrimage to Mecca. Released in 1967, he was detained once more in 1968, when his political activism for greater autonomy was perceived as a threat by Indira Gandhi's Congress government in the uncertain early years of its ascendancy. He was finally returned to power in February 1975 after a November 1974 settlement with Prime Minister Indira Gandhi. Under the Indira–Sheikh Accord:

- Article 370 of India's Constitution, the clause governing India's relationship with the state, would continue in effect.
- Residuary powers, assigned to the Centre under that Constitution, would continue to vest in the state legislature, but India's Parliament would continue to have powers to make laws concerning the prevention of activities against the sovereignty and integrity of India.
- The President of India would alter or repeal any provisions of the Indian Constitution that had been applied with modifications to the state. Provisions applied without modification would remain unalterable.
- The state would enjoy full legislative authority in matters concerning welfare, cultural matters, personal law and procedural law. The state government was authorized to review all laws made by India's Parliament and extended to the state after 1953, the year the Sheikh's government fell. The Government of India committed itself to consulting the state government before applying any such law to the state.
- Any changes to the state constitution relating to the appointment of the Governor and the jurisdiction of the Election Commission of India would require the assent of the President of India.

There was no agreement on reversion of the titles of Governor and chief minister to those held initially: *sadar-i-riyasat* (president of the state) and *wazir-i-azam* (prime minister). These were the titles held by these authorities at the time of the Sheikh's dismissal in 1953 and were, in fact, included in the original wording of Article 370 and in the state's

own constitution, promulgated in 1956. In 1965 the State Assembly, by constitutional amendment, had renamed the chief executive of the state administration 'chief minister', bringing Jammu and Kashmir in line with other states in the Union of India.

The Indira–Sheikh Accord was reached during my tenure as deputy commissioner of Poonch. This time the Sheikh came back to head the state government under the title of chief minister. The Sheikh's return was a time of pervasive joy and promise throughout Kashmir, extending even to the remote valleys of Poonch. In 1976, during his first official visit to Poonch, the Sheikh repeatedly had to admonish audiences to restrain their enthusiasm in their adulation of their adored, triumphant hero. He was their lion of Kashmir, 'Sher-i-Kashmir', and his consort, Begum Akbar Jehan, was their gracious mother, 'Madar-i-Meherban'. In the small town of Surankote, a group of enthusiastic young men clambered onto the fragile branches of a sapling to better view their idol; the tree snapped under their weight, spilling its burden onto the sloping lawns. At another stop, speaking in the border town of Mendhar, the Sheikh said that his whole being, body and spirit, was lacerated with wounds. A groan rose from the crowd, resonating throughout the entire gathering—all this in an area where, in 1947, the Sheikh's National Conference had had less support than the pro-Pakistan Muslim Conference. Now the Sheikh promised the people liberty and the right to choose their own leaders, free from rigged elections and corrupt, exploitative governments.

Under the accord, Sheikh Abdullah returned to authority. No election was held that year, but the Congress party, under orders of its leader, Prime Minister Indira Gandhi, extended its support to Abdullah. The only member of his own party that he appointed to serve with him was my friend Khwaja Mubarak Shah, to whom he assigned a host of departments. There was discussion of a possible merger of the National Conference with the Indian National Congress, but the Sheikh believed that his party's strength lay in its support of the distinct identity of Kashmiris; it needed to conserve that strength by retaining its separate status.

Although there was little protest against the Indira–Sheikh Accord within Jammu and Kashmir, resistance did arise from the supporters of the PF in Pakistan-administered—or 'Azad'—Kashmir. Maqbool Butt,

a young Kashmiri student who had crossed into Pakistan-administered Kashmir in 1960, had formed the Kashmir Independence Committee in 'Azad' Kashmir. By April 1965 the Committee had merged with the PF, then headed by Mirza Afzal Beg. Butt became its first publicity secretary in Pakistan-administered Kashmir. He carried a death sentence in India, having been declared an enemy agent and found guilty of terrorism and murder in August 1968 for the death of a policeman in a 1966 encounter. (This was the first case recorded as 'terrorism' in Jammu and Kashmir.) Butt made a daring escape from the Srinagar Central Jail in December 1968. To restart his militant revolution after the accord, which he condemned as a betrayal, he crossed into the Indian side in May 1976. He was captured and placed under arrest under the 1968 sentence, and he remained a prisoner in Delhi's Tihar Jail for eight years, much of the time in solitary confinement. He was hanged on 11 February 1984, at the age of forty-six, and he lies buried in Tihar, having become the stuff of Kashmiri legend.

As soon as he was finally released from arrest, the Sheikh launched his cherished project, the rebuilding of the shrine at Hazratbal. The marble dargah at Hazratbal houses a relic holy to all Kashmiri Muslims: the hair of the Prophet of Islam, the *mo-e-muqaddas*. Along with Srinagar's cathedral mosque, the Jami Masjid, Hazratbal is one of the two most important mosques in Kashmir. But while the Jami Masjid is the principal shrine of traditional Islam in Kashmir, the shrine at Hazratbal is revered by Sufis, because of the centrality of the Prophet to the Sufi tradition. Regarded by Kashmiris as the holiest place after Mecca's Ka'aba, the shrine to the relic had been housed in a mosque built by the Mughal emperor Shah Jehan, builder of the Taj Mahal. It was installed therein by order of his son, Emperor Aurangzeb—the builder of Srinagar's Jami Masjid (after it was destroyed by fire)—in 1699. Kashmiris still avoid giving credit to Emperor Aurangzeb for installing the relic in Hazratbal and have, as is their wont, woven a tapestry of myth and legend to evoke an image of divine intervention in determining its location.

The Sheikh set in motion his dream to rebuild the mosque in majestic proportions by going from house to house to raise money. His dream was finally realized in 1978 at the cost of eighty lakh rupees. The sweet irony of that reconstruction is that Shah Jehan's original structure,

not one of his noblest, was in the Kashmiri architectural tradition, as is the Jami Masjid. But the Sheikh's structure, with its soaring minaret and its dome modelled on that of the Taj Mahal,[8] is decidedly Mughal—an Indian dynasty despised by the Sheikh as imperial interlopers.

The shrine at Hazratbal was the platform from which Sheikh Abdullah had launched his political campaign against the feudal order in the early 1930s, the campaign that culminated in the expulsion of the maharaja and the accession of Jammu and Kashmir to India in 1947. Throughout the Sheikh's career, the shrine was the political base from which he espoused the cause of oppressed Kashmiri peasants, who were and remain predominantly Muslim.

And so the year 1977 was to become a watershed. It was also the year when my tenure in Poonch drew to a close. This tenure was rich and deeply fulfilling for many reasons, but among the experiences I found most satisfying was the repopulation of areas in the Mendhar *tehsil*, along the LoC. After the war in 1971, a vast swath of fertile land was depopulated to prevent a recurrence of infiltration, which had overwhelmed the region in 1965 and to a lesser degree again in 1971. Under an agreement that I reached with the army in 1975, the depopulated area was to be repopulated. A key purpose of repopulation was to create a buffer civilian population that would report infiltration by former property owners returning to reclaim their property. Securing these territories was thus a major objective of the project.

I received the full cooperation of Lieutenant General Krishna Rao, later to become army chief and, finally, Governor of a strife-torn Kashmir (1993–98). He was then commander of the army corps that controlled the Jammu region of the state. He persuaded his men that repopulation would benefit the people while at the same time strengthen security. The state government was apprehensive that the ministry of defence would not concur with a proposal for rehabilitation of the depopulated areas. This was because the army was perceived by the civilian authorities then (as is now once more so) as being intolerant of any suggestion from civilians on matters held by them to be of the army's interest. Mir Nasrullah, commissioner, Jammu, in a meeting to discuss the issue with the then DIG, Jammu, K.K. Khajuria, after I had painstakingly described my proposal, harrumphed: 'A good proposal, but the ministry will never agree.' But the ministry did agree, and

before I left the district in mid-1977, many areas, including the fertile Sagra Valley in Mendhar district, had been repopulated. Those areas beyond the ridge, running parallel to the LoC, were never repopulated, however, and I suspect that the craggy terrain became an infiltration route with the onset of violent conflict at the close of the century. The ministry had also agreed to my proposal to restore a highway that used to be the Mughal route, through which passed the emperors of old on their way to their sojourns in Kashmir. Although surveyed then, that road was to be completed only by the close of the first decade of the twenty-first century.

It was also when I was serving in Poonch that Indira Gandhi imposed a state of Emergency on India in 1975 due to what she perceived as a threat to internal stability. She then sought the Indian public's endorsement through a general election. The Congress party, whose accord had enabled the Sheikh's return to constitutional politics, faced its first national electoral discomfiture. The defeat of Gandhi's party and the fall of the Congress government in that election brought the Janata Party to power at the Centre in 1977 and disrupted the arrangement in Jammu and Kashmir. When Indira Gandhi resigned from the presidency of the Congress, the central authority of that party floundered rudderless.

Mufti Mohammed Sayeed, who had been an opponent of the Indira–Sheikh Accord, was by this time leader of the Congress Legislature Party in the State Assembly. Sayeed informed Governor L.K. Jha that his party had withdrawn its support from the Sheikh's government. He hoped for the title of chief minister of Jammu and Kashmir, a position that retained blatantly feudal trappings. Under India's Constitution, such an appointment would have been at the discretion of the Governor—and therefore of the Central government, whose representative the state Governor is. However, under Article 53 of the Jammu and Kashmir state constitution, the Governor was bound by the chief minister's advice. That advice was that the Legislative Assembly be dissolved and fresh elections be held. The Assembly was dissolved without restoring the Congress to power, setting the stage for the election of July 1977. I was transferred from my posting in the border district of Poonch to act as deputy commissioner of Srinagar, Jammu and Kashmir's most politically sensitive city.

The state elections of 1977 are often cited as a watershed and the first glimmerings of freedom for a people oppressed by political constraints since Independence. The proclamation of Governor's rule and the announcement of elections led to a proliferation of parties. All shades in Kashmir's political firmament, including those who had been critical of the state's accession to India, leaped eagerly into the fray.

Sheikh Abdullah's National Conference had the support of Indira Gandhi, but given her loss of political authority, that amounted merely to an expression of sympathy. Mirwaiz Farooq of the Awami Action Committee, which challenged the legitimacy of applying India's Constitution to Jammu and Kashmir, set up candidates supported by his party but not under the party's name. The pro-Pakistan Jama'at-i-Islami led by Ali Shah Geelani, was a contender, as it had been in 1972, when it won five seats.

Former supporters of the Sheikh, now his antagonists, set up a branch of the Janata Party, the party in power at the Centre. Among its leaders was Hameed Karra, nephew of Mohiuddin Karra—one of the Sheikh's lieutenants in the 1940s and '50s, whom the Kashmiris had named Bulbul-i-Kashmir (nightingale of Kashmir) because of his poetic utterances. (His son Tariq was to be minister in Mufti Sayeed's government of 2002.) Maulana Masoodi, another of the Sheikh's former close associates and Speaker of the Assembly in 1953, threw his considerable clout with the Gujar community behind the Janata Party, of whose state unit he became convenor. Maulana Iftikhar Ansari, the leading Shiite cleric who was to become an important member of Farooq Abdullah's government in the late 1990s, was another formidable opponent.

The Sheikh's party stood alone. Yet his appeal, as always, was his promise to restore to the people their dignity, which his ouster and arrest had deprived them of. He had come to be identified with this promise, even though the government formed by him after the state's first-ever elections in 1951 had 'won' all seventy-five seats in the Assembly—hardly the model of democratic pluralism. The Janata Party pulled out all stops in their campaign. Among the host of Indian leaders that descended on Kashmir during the campaign were Minister for Home Chaudhary Charan Singh, Minister of Industry George Fernandes, Minister of Urban Development Sikander Bakht—a Muslim leader

from Delhi who went on to become a leader of the BJP—and the foremost leader of the Scheduled Castes, Babu Jagjivan Ram, once a pillar of the Congress party and India's defence minister under the Janata government. Finally, on the eve of the polls, Prime Minister Morarji Desai made a personal campaign visit.

The initial effort of the state administration was to 'arrange' the election, as it had done with previous elections. As deputy commissioner, I was returning officer for the district of Srinagar and therefore responsible for every detail of the election arrangements in Jammu and Kashmir's largest and most politically volatile city. Hameed Karra soon came calling to ask that I make appointments of various election staff in consultation with him. He was secretary to the state unit of the Janata Party. When I stated clearly that any such act would amount to political interference and was therefore illegal, he was surprised. His response? I was a promising young Muslim officer, and it would break his heart to have to destroy my career, but if I did not do as he said, I'd leave him no choice!

The morning after my meeting with Karra, my superior, the commissioner, Kashmir, called me to his office. The commissioner, Kashmir, administers all the districts of Kashmir Division, which includes Ladakh. When I entered the commissioner's chamber, Hameed Karra was with him.

'What is the difficulty Karra sahib is facing?' asked Commissioner Ghulam Mustafa Khan. I told him of Karra's demand, which, I assumed the commissioner would agree, violated not only the law but indeed both India's and the state's constitution. But the commissioner's response, uttered with affection, was that I was an innocent, that administering Poonch, where I had conducted Parliament elections, was another matter, but I should now recognize that the demands of Srinagar were different and placed greater responsibilities on me. His advice: I should do as Karra asked. At this point Karra chimed in again to recite, in sympathetic tones, his ill-disguised threat.

As the election approached, the strong support base of Sheikh Abdullah's National Conference became increasingly manifest. The Sheikh suffered a heart attack that confined him to his home, but that led to an upsurge of support, causing his opponents to aver that the reports on the Sheikh's health had been exaggerated, if

not invented. The administration decided to attempt to cripple his election campaign.

All the deputy commissioners in Kashmir were given orders requiring that leading National Conference volunteers be arrested under the Preventive Detention Act, which permitted detention without trial. Under the law, the deputy commissioner, as signatory of the arrest warrant, was expected to exercise judgement in reviewing grounds, and the detention had to withstand the scrutiny of a judicial review. After staying up all night, carefully examining the grounds presented by the police, most of which were not even individual but merely duplicates with only the names changed, I approved nine cases for the issue of detention orders. Early that morning, I received a call from Chief Secretary Pushkar Nath Kaul, the supreme administrative authority in the state, asking why I had been so slow. He told me that the deputy commissioners of other districts had each issued thirty to eighty warrants in one night. When I protested that a deputy commissioner was expected to satisfy himself that the grounds for detention made a convincing case of a threat to public security, he suggested that time spent scrutinizing grounds was time wasted.

When Prime Minister Desai visited on 25 June 1977, a meeting was scheduled with principal state government executives from the police and the administration. As we prepared for the meeting, I was taken aside by the inspector general of the state's police, Peer Ghulam Hassan Shah. He said that the prime minister would ask that we ensure his party's victory and that we must comply, for this was a duty to the nation. I told him I was completely inexperienced, even untrained, in the fine art of doctoring elections. If it was government policy that this be done, I was not competent to do it and so must be replaced. As it happened, our meeting with the prime minister was an amiable chat in which Desai recounted his experiences while working as an official in Bombay state's provincial services, and the difficulties the police had created for him. When directly asked by the chief secretary if he had any advice for the state's administration on the elections, the prime minister's response was simple: 'One doesn't know whom to trust in Kashmir.'

The Jammu and Kashmir Assembly elections of 30 June 1977 are viewed as a milestone in the political evolution of the state. Because of

the high public participation and the healthy slate of candidates across the state's political leadership, some believe that these were the fairest elections ever held there. Others have gone even further to declare them the only real elections ever held in Jammu and Kashmir. The evidence of their authenticity derives from the universal disapprobation, even abuse, which was hurled at me by all, irrespective of party, as the returning officer in the state's contumacious capital.

The state police, impatient with my insistence on adhering to the law in making arrests, launched a flurry of arrests of National Conference activists, particularly of its youth wing led by Mubarak Gul—to be CM Omar Abdullah's political secretary in 2009—under Section 107 of the CrPC, which permits arrest on 'apprehension' of a breach of peace. The president of the party, Ghulam Mohiuddin Shah, brother of the Sheikh's son-in-law, visited my office with a grave face to object formally to this repression. I explained that this was the way the police wished to display their national commitment and asked him whether this would hamper or, in fact, strengthen the campaign of the National Conference by projecting the party as victim. At this, Shah allowed himself a smile. He agreed that this was a strong factor in motivating both fence-sitters and those intending to stay home on election day that it was their duty to come out and vote National Conference. However, he told me that I would surely agree that as president of the party, he must lodge an objection. And yet, Mirza Afzal Beg, in his closing speech of the election, delivered at the vast Gandhi Maidan (which today houses the offices of the high court of the state), complained in bitter voice that his party had agreed to the Governor's suggestion for my appointment as deputy commissioner, Srinagar, because they took me to be honest. He lamented that I had turned out no better that the rest!

Leading up to the campaign, the Sheikh's principal opponent in Srinagar, Mirwaiz Mohammed Farooq, the imam of the Jami Masjid and a religious leader of unequalled standing in Srinagar, announced a procession of his supporters through the heart of congested neighbourhoods of National Conference supporters. Violence was inevitable, I was sure. When I called the *mirwaiz* to request that he consider re-routing his march, he roundly condemned what he saw as my partiality and declared that he would set Srinagar on fire if

he wished. Would I dare stop him? he demanded. On election day, as I raced about the city with my staff, responding to calls, allegations and threats, Farooq Abdullah called on IG Peer Ghulam Hassan Shah, ensconced in the police control room, to complain that the elections were a farce, with the election machinery having succumbed to the blandishments and threats of the supporters of the mirwaiz.

I was not alone at the receiving end of such outright condemnation. Other deputy commissioners in the state, such as Mohammed Shafi Pandit, in charge of the sprawling mountainous district of Doda, also an IAS officer and the first Kashmiri Muslim to be thus qualified, received similar chastisement from the leadership of both the Janata Party and the National Conference.

When results began to be announced and it was clear that the National Conference would win, I drove around Srinagar with Peer Ghulam Hassan Shah to ensure that calm prevailed. The city was rejoicing. Our car was repeatedly stopped, our hands were kissed, blessings were showered most liberally, as is the Kashmiri custom. It was a new dawn, a new era.

> Bliss was it that dawn to be alive,
> But to be young was very heaven.

Those lines of William Wordsworth, written at the outbreak of the French Revolution, reverberated in my consciousness, all the more effervescent because I had contributed to the glimmer of hope in Kashmir. I had no idea that Kashmir, like the French Revolution, was set on a course for tragedy.

3

FIRE MOVES ON ITS QUICK KNEES[1]

some bearded meteor trailing light
Moves over still Shalott
—ALFRED LORD TENNYSON, *THE LADY OF SHALOTT*

In April 1979 deposed Prime Minister Zulfikar Ali Bhutto of Pakistan was hanged in Central Jail, Rawalpindi, on a charge of murder after a trial widely regarded as rigged. His demagogic rhetoric had struck an immensely responsive chord among Kashmiris, who held the Jama'at-i-Islami, the political voice of Islamic orthodoxy, responsible for Bhutto's death. After the execution, rampaging crowds targeted businesses of assumed members of the Jama'at in Kashmir—even men merely sporting beards. Fruit orchards of Jama'at supporters were axed and set on fire. There are some who have implied involvement of the Sheikh government in these attacks and also told me of killings of Jama'at members. I was in the government at the time, a time when peace was so pervasive that even the suspicion of murder would have created a sensation, and I had learnt of none.

The hanging of Bhutto and its aftermath of suspicion and violence now seem an apt and forbidding prelude to the escalating hostility that defined the 1980s in Kashmir. In 1979, however, the prospects for peace could hardly have looked better. This chapter discusses the unforeseeable events triggered by the government's steps and

missteps, the greed of Kashmir's entrenched middle-class elites and religious politics and their all-too-familiar polarizing consequences. After Sheikh Abdullah's return to power, Kashmir reverted to a corrupt status quo; the play behind the scenes leading to the election of the Sheikh's successor; and a showdown between the Sheikh's son Farooq and Indira Gandhi, with violent and divisive consequences. The Rajiv–Farooq Accord brought a brief promise of peace, but the Islamists became a potent political force, and by 1987 the J&K government was suspected of having reverted to its time-honoured tactic of wholesale ballot rigging. In the resulting climate of distrust, many Kashmiris turned their backs on India and looked towards what they saw as a possibility of secession.

But the legacy of the 1970s can only be described as auspicious. The two-nation theory, on which the idea of Kashmir's separation from India was based, was soundly discredited in 1971. The province containing Pakistan's largest Muslim population—and where Pakistan's architect, the Muslim League, had enjoyed the widest public support before Partition—seceded to become Bangladesh under the very leadership that had the largest backing in Pakistan's Parliament.

With the Simla Agreement of 1972, India and Pakistan concurred that the future of Kashmir would be settled mutually, not under UN auspices, thus de facto setting aside the UN Resolution of 13 August 1948, which had led to the ceasefire in Kashmir. The Simla Agreement concludes:

> Both governments agree that their respective heads will meet again at a mutually convenient time in the future and that in the meanwhile the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, *a final settlement of Jammu and Kashmir* and the resumption of diplomatic relations [emphasis added].

This agreement accepts that the issue of Jammu and Kashmir remains to be settled. Thus, while conceding the juridical ramification of UN resolutions that a 'dispute' existed (not merely a 'problem', as India officially continues to aver), the agreement intended to settle that dispute bilaterally and not through a UN-administered plebiscite. Retired

Wing Commander Murkot Ramunny of the former Indian Frontier Administrative Service was India's adviser to the infant government of Bangladesh immediately after the war. He informed me that in response to Indira Gandhi's suggestion to Bhutto in Simla that they make the LoC the international boundary, Bhutto replied that he was President of a defeated country. 'Let me consult my people,' Ramunny reports Bhutto as having said.[2] This may have been among the factors contributing to the Indira–Sheikh Accord of 1975, which led to the acceptance of Jammu and Kashmir's own constitution by the Sheikh, hitherto its bitter opponent. And so the constitutional ratification of the state's accession to India was consummated.

Farooq Abdullah, the Sheikh's son, recounted a visit to Pakistan in 1974: 'The entire bureaucracy of Pakistan and Bhutto's secretary himself told me that a final solution has been arrived at; there can be nothing more. What we [the Pakistanis] have got [in Kashmir] we are keeping, what they have got they are keeping, and that is how it is.'[3] Raja Muzaffar Ali, who was with Abdullah on that visit, attests to this sentiment.[4]

The mandate for a political framework was secured by the Sheikh's decisive victory in the elections of 1977, when he was pitted against the entire range of Kashmir's political spectrum, including the Jama'at-i-Islami that favoured Pakistan, and the Awami Action Committee, led by the then mirwaiz of Kashmir, which supported secession. A pro-independence group, the Jammu and Kashmir Mahaz-e-Azadi (Front for Freedom) was set up in May 1977 by Sofi Mohammed Akbar but found few takers. Years later, while discussing Kashmir with Tariq Ali, a Marxist of Pakistani origin, Indira Gandhi ruminated that if a plebiscite had ever been held, it would have been best for India if it were held in 1977.[5] 'But,' she reminded Ali, 'I was not in power that year.' (As will be recalled, Gandhi's Congress party had been defeated in the 1977 election to India's Parliament.)

After the Sheikh's return, Kashmiri support for Pakistan began to wilt. Prime Minister Bhutto continued to be popular, but the call of irredentism with Pakistan received little response. I have described in the previous chapter how the Indira–Sheikh Accord was seen as a capitulation by young Kashmiris outside Kashmir, leading to the resurgence of irredentism. The Jammu and Kashmir National Liberation

Front (JKNLF)—precursor of today's Jammu and Kashmir Liberation Front (JKLF)—rose to prominence at the time and led the insurgency of 1989. This is seen in the effort of the young rebel Maqbool Butt's aborted bid to engineer revolt, which reflected his alarm at the Indira–Sheikh Accord. But within the Valley, the Sheikh's return vindicated what Kashmiris saw as their struggle for freedom. It was time to get down to the business of developing and building the self-respect that had been the Sheikh's abiding promise.

By the time I completed my tenure administering the border district of Poonch in 1977, civil authority had been firmly established up to what, after the 1972 Simla Agreement, became officially known as the Line of Control. And, after the overthrow of Bhutto's government in 1977, the Jama'at became an increasingly isolated bastion of Pakistan's once-formidable support base in Kashmir.

In Pakistan, the public perception is that the Kashmiris, fellow Muslims, have always been supportive of Pakistan.[6] This has indeed been true of large sections of the Srinagar middle class. Yet, Pakistani intelligence was surely aware of waning Kashmiri support for Pakistan by the early 1980s. By that time also, thanks to the Soviet Union's ill-conceived military intervention in Afghanistan, the perception of the Pakistan regime's respectability had undergone a transformation in the West. A military dictatorship, generally excoriated as pariah for the manner in which it had overthrown a democratic, albeit tarnished, government and then proceeded to liquidate its leadership, had become a valued ally of the West in the front line of a new crusade. As the promise of the Sheikh's regime began to unravel within Kashmir, disaffection began to suppurate, covertly but calculatedly encouraged by Pakistan's intelligence.

Before the Indira–Sheikh Accord in 1975, the Sheikh had headed the PF, which had been generously financed by Pakistan as long as it continued to repudiate the Jammu and Kashmir constitution and demand for a plebiscite under the UN Resolution of 1948, thus opposing the legality of the state's accession to India. After the accord, a resurrected National Conference became the Sheikh's political vehicle. Although the Sheikh's charisma endured and widespread public support for him existed in Kashmir, his party's finances were anything but abounding. The Sheikh ran a political party with an outreach across

the state. Yet, in many parts of the state, the party's base, because of its overtly Kashmir-centric outlook, was limited. This vehicle needed the strength to stand up to rivals that included powerful national parties, such as the dominant Indian National Congress, with its countrywide support base and abundant resources.

The Indian government's earliest response to the disaffection sparked by the 1953 sacking of Abdullah's government was to step up development finance in the state. In December of that year, India's Planning Commission advanced to the state government, on easy terms, a loan of rupees equivalent to US$14.9 million. The successor to the Sheikh, Bakshi Ghulam Mohammed, made no secret of his policy of buying the Kashmiris. Bakshi had been a leading member of Sheikh Abdullah's National Conference and deputy prime minister and home minister in Abdullah's government. He belonged to a business family and had been the Sheikh's principal adviser on business matters. His family's power was based on military contracts and forest leases—hence their labelling by a local wag as the 'Bakshi Brothers Corporation'.

After Bakshi took power, he undermined Abdullah's support base by awarding forest contracts, granting licences for transport and tourist activities and appointing agents for distribution of essential commodities—all for a price. Because the agitated reaction to Abdullah's unceremonious sacking was quickly controlled, the political leadership, including the national leadership, considered Bakshi's policies successful. This perception accounts for the pervasive quest for channels of patronage, which I found to be the only hold that a self-serving political leadership in the 1960s and '70s was able to exercise on a disaffected public. Whereas the Bakshi tradition set an unhealthy economic precedent and earned for Kashmiris the contempt of both Indians and Pakistanis as a people that could be bought and sold, to the Kashmiris that tradition became a grievance that led to self-loathing and an abiding resentment. But the sad irony of this travesty was that those who benefited most from this lucrative arrangement were part of Kashmir's Muslim middle class, which had from the start been the class most supportive of the idea of Pakistan. Hence the feeling among them of having sacrificed their self-respect.

When the Sheikh was restored to power in 1975, wealthy Kashmiri businesses were eager to assist the government, but the Sheikh's political

support was largely limited to the Kashmir Valley. Further support would have to be bought. Thus, the Bakshi tradition—which the Sheikh had pledged to eradicate on his return to power—not only persisted but was built upon. Policies were conceived and pursued to strengthen specific business houses, rather than to accelerate economic development. As part of his programme of buying public support, Bakshi instituted a liberal subsidy for rice, the staple of the Kashmiri diet. In the rest of the country, the public distribution subsidy provided for rationed supplies of basic foodgrains from government stores at an affordable price. The subsidy in Kashmir was condemned by the PF as a bribe; under Abdullah, it was discontinued and food prices were brought in line with India's national public distribution system.

Sops for business houses were quietly managed, depriving new businesses of incentives. These included subsidies for which the Union government picked up the bill, such as those on the transport of raw materials from the nearest (but still distant) railhead in Pathankot, in the neighbouring state of Punjab, to make state industry competitive with the rest of India. This subsidy was designed to encourage new enterprise in the Kashmir Valley, but instead it sustained financial supporters of the ruling party. My friend Mahmood-ur-Rehman, a senior officer in the IAS recounted a conversation he had with Abdullah at the time. When this story played out in the late 1970s, Rehman was initially agriculture production commissioner, who was also agriculture secretary to the state government, and subsequently secretary, industries. In the former position, he came into direct conflict with his minister, who wished to award the monopoly contract for the pesticide Methane 45—widely used in treatment of apple scab, a major blight of Kashmir's apple industry of the time—to a single dealer. This would enable the dealer to access the 50 per cent price support subsidy granted by the Government of India, enhanced to 75 per cent with a state subsidy of 25 per cent. Monopoly was to be denied even to the public sector state institutions, in favour of a private party. Incensed at Rehman's stout resistance, the minister used every means to unseat the secretary. Nevertheless, Rehman, after his conversation with Sheikh Abdullah—who had summoned him upon a complaint from the minister—actually retained his position for a full seven years. Subsequently, on his transfer to industries, Rehman

learned of a Sopore businessman regularly availing the transport subsidy in question. But the company benefiting in this case was transporting no raw materials from the railhead at Pathankot to the Valley. Although the minister in this department was different, Rehman's former minister was the principal partner of the covetous tradesman. In a meeting that ensued with Chief Minister Abdullah, Rehman was told that although he had Abdullah's fullest support, the chief minister would not wish for this conflict to persist. He would take Rehman under his own wing. Rehman was then transferred to the health department, of which Sheikh was minister. But this is only one incident that I relate from a pervasive environment of corruption condoned. When people in Kashmir considered the venality in public services, political nepotism and the persistence of the Bakshi tradition, to sustain in power a ruling elite whose own sympathies were anything but patriotic for India, public disillusion was the inevitable outcome.

And in his last years in power, the Sheikh was more concerned with securing an orderly succession than with running the government. Problems of succession may sound curious in a purported democracy, but, as I have mentioned, the government of Jammu and Kashmir was indeed a Sheikhdom, run as a fief rather than as a democracy. The Sheikh was wary of the Congress party, his ally, whose intentions the Sheikh mistrusted. My mother, Hamida Habibullah, was a Congress party member of Parliament sent to Srinagar by Indira Gandhi to secure the Sheikh's support for that party (then in the Opposition) in the national parliamentary elections of 1980—which the Congress eventually won. In a conversation with my mother, the Sheikh's wife, Begum Akbar Jehan, declared her family's high regard for Indira, whom, she said, the Abdullahs considered family. But the Congress leadership of the state of Jammu and Kashmir was another matter altogether, scheming and untrustworthy. 'What do you make of men like Mufti Sayeed?' she asked. Sayeed was president of the state unit of the Congress party and years later would become the state's chief minister.

The leeway granted to the Sheikh under the Indira–Sheikh Accord—which authorized him to review all laws extended to the state since 1953—was never pursued. These laws included the extension of the jurisdiction of India's Supreme Court and Election Commission and of the all-India services to the state. However, they were not even

revised, let alone withdrawn. Most Kashmiris today are unaware that any review was undertaken, although that gesture was indeed made by a four-member committee set up in October 1975, headed by the Sheikh's lifelong legal adviser, Mirza Afzal Beg.

Seeking to capitalize on the support generated by land reform initiatives in his first tenure, the Sheikh enacted the Agrarian Reforms (Amendment) Act in 1978, abolishing absentee landlords and making the cultivator the owner of land. The Jammu and Kashmir Resettlement Act of 1982 took advantage of Article 7 of India's Constitution, which allows any migrant to Pakistan after 1947 to resettle in India under any law so permitting. The Resettlement Act was intended to bring Kashmiris who had migrated to Pakistan back to resettle in Jammu and Kashmir as state subjects. Both laws were sought to buttress the Sheikh's support among Kashmiri Muslims. In Jammu, where the bulk of refugees from Pakistan-administered Kashmir and Pakistan's Punjab reside, the Resettlement Act was seen as an invasion of tenuous property rights. This was because in the rest of the country, refugees from what had become Pakistan had been given proprietary rights to land evacuated by migrants to Pakistan, which had lapsed to the Government of India under the Evacuee Properties Act. In keeping with Article 370 of the Constitution, this act did not apply to Jammu and Kashmir. And not just in Jammu, even within Kashmir, support for the Sheikh began to dissipate.

By 1977, all fellow campaigners from the inspiring days of his freedom movement had deserted the Sheikh. In April that year, Maulana Masoodi, Speaker of the state's first post-Independence legislature, launched the state unit of India's ruling Janata Party to run in that year's state elections. Janata Party's secretary, Hameed Karra, was the nephew of Mohiuddin Karra, leader of the PF in 1963 when it led the protest against the disappearance of the holy relic from the Hazratbal shrine. However, one of the Sheikh's remaining and most steadfast supporters was Mirza Afzal Beg. He had been president of the PF when it was set up during the Sheikh's captivity. In a democratic structure, he would have been the natural successor to the Sheikh. But in a feudal establishment, succession had to be from within the family. And so, overnight, Beg became persona non grata, abandoned in 1978 even by former friends and those he had benefited. He died, lonely

and sad, in June 1982, followed only a few months later by his lifelong friend, Sheikh Abdullah.

The challenger in the battle for succession was Ghulam Mohammed Shah, husband of Khalida—daughter of the Sheikh and his favourite child. Shah's family had given the Sheikh's family refuge when he was arrested and spirited away in August 1953, after the Sheikh's many courtiers of old had left the family to fend for itself while he languished in prison. The bazaar gossip was that the Sheikh's preference for successor was his son, but that the son-in-law could blackmail the Sheikh by bullying Khalida. When Sheikh Abdullah had spoken to Rehman in the last conversation that I have narrated here, Abdullah assured Rehman that the latter would have his support against any complaints received from his ministers. But he warned Rehman, 'Be careful of how you deal with Shah.' Shah had ensured the ouster of Mirza Afzal Beg, whom he saw as a possible contender for the throne. On the Sheikh's death, although his son Farooq stood anointed, the succession was still an open question.

Although the Sheikh's stint in 1975–77 as the leader of a Congress-backed government had been fruitful in administrative reform and economic regeneration, after his election in 1977, affairs other than those of the state began to dominate government, finding resonance in the bazaars. With Beg gone, corruption and nepotism, which the Sheikh had promised to beat back, grew. Harassment of the citizenry for monetary gain was again the order of the day. In October 1977 the government promulgated the Public Safety Ordinance, which conferred draconian powers on the government to enforce security. It was as if, returned to positions of power and pelf after a self-perceived time of suffering, National Conference activists felt that the opportunity to enrich themselves must be seized. When the Enforcement Directorate of the Union ministry of finance called on these activists to pay their taxes in the income tax raids of 1982, some even went so far as to describe this accumulation of wealth as the legitimate logical profit of *ilhaq*, or accession.

But the growing angst and frustration were like hidden spectres. When I left the state in June 1982 to take up an assignment in the office of the prime minister in the Union government in New Delhi, I did not realize that Kashmir was teetering so near the precipice. The

Sheikh was still the leader. His voice was still raised for his people, even when this meant criticizing Prime Minister Gandhi's policies. It was in this environment that he piloted the Jammu and Kashmir Resettlement Act of 1982 through the legislature. Under this act, being a state subject would entitle a resident to return to the state and acquire property there, notwithstanding the fact that the subject might have migrated to Pakistan before 14 May 1954 and lost his Indian citizenship; no Indian other than a permanent resident of the state of Jammu and Kashmir was entitled to this benefit.[7] It was surely understood that such an unenforceable act would transgress India's nationalist emotions in the troubled India–Pakistan relationship, already pervaded with mutual suspicion; yet the gesture was made.

On the Sheikh's death in October 1982, in a funeral procession attended by Prime Minister Gandhi—during which she succeeded in ensuring the succession of Farooq—the hysteria of the mourners was reminiscent of children grieving the death of their father. The Kashmiris had named the Sheikh 'Lion' and the father of his people, Baba-i-Qaum. But the sinews that bound the state's polity and brought stability to Jammu and Kashmir had begun to snap.

Farooq Abdullah emerged from the elections of 1983, following the death of his father, as chief minister and leader of the National Conference. In return for her support in Farooq's succession and the accord with his father, Indira Gandhi expected a political alliance with Farooq and strengthening of the Congress party's presence in the state. She was to be rudely disappointed.

After prevaricating on the question of whether he would run for the elections in alliance with the Congress party or independently, Farooq informed Gandhi that he had been advised by the party leadership to remain independent. A strong sense of Kashmiri identity had underwritten all the Sheikh's political moves and accounted for the sustained support he had commanded among his people. A political alliance with Gandhi would therefore be unwise. Gandhi suggested a political 'understanding' in the election, with the Congress party supporting the National Conference at the state level and, in return,

securing that party's political support at the national level. This would mean an 'adjustment' of seats in the state assembly elections, with expendable candidates fielded by each against those considered vital by the other, thus ensuring victory for the candidates with the support of both the Congress and the National Conference. Farooq again vacillated. Finally he offered to discuss the details with a representative of Indira Gandhi; she suggested her son Rajiv. Rajiv was invited to discuss arrangements over dinner at the Jammu and Kashmir state guest house in New Delhi. Although Rajiv arrived punctually, Farooq stood him up.[8]

And so the elections of 1983 saw a confrontation between the Indian National Congress, ruling at the Centre, and the National Conference, ruling in the state. And because leaders such as Mufti Sayeed, supported by Mrs Gandhi's nephew Arun Nehru (a leading Congress party activist and confidant of the prime minister), had been stoutly opposed to any understanding with Farooq and had been overridden by Indira Gandhi, she felt compelled to campaign personally in the Jammu and Kashmir state election. Although former prime ministers had visited the state to supplement their party's election appeal, as Morarji Desai had done in 1977, it was unprecedented for a serving prime minister to run a campaign for a state election, visiting every constituency to canvass support. Mrs Gandhi did this despite having no illusion of making much impression in the Kashmir Valley.

After a day of vigorous campaigning—in which she had been conducted in spectacular fanfare down the high street of Shopian town in south Kashmir, accompanied by thousands of seemingly enthusiastic supporters—Mrs Gandhi stopped overnight in the state guest house in the hill resort town of Pahalgam. She asked me, 'What did you think of the procession?' I told her that I thought it had been a triumph. She smiled ruefully. 'To me it looked entirely fake.' Yet she continued to campaign vigorously; despite her efforts, the Congress party lost roundly, winning only one seat[9] in the Kashmir Valley, twenty-three in the Jammu region and one in Ladakh, while the National Conference took thirty-eight of forty-two seats in the Kashmir Division, eight in the Jammu Division and one in the Kargil district of Ladakh.

As I have mentioned, personal relations played an inordinate role in the trajectory of Kashmir's history in the latter half of the twentieth century. At no time was this more obvious than in the 1980s. By

the time of the election of 1983, relations between Farooq Abdullah and Indira Gandhi had worn thin. Instead of seeking to repair these, Abdullah, savouring his election victory, sought a role as a leader of the national Opposition. Mrs Gandhi found this approach tiresome from someone she considered a whippersnapper who owed her his position. But what further exacerbated the relationship was Farooq's repeated insistence on calling on the prime minister on all his visits to Delhi, though not acting on any advice she gave him. Chief among these was her recommendation that he desist from public criticism of her government while seeking redress from her ministers directly. In addition, Farooq consorted with a caucus of Opposition parties that had emerged in states across the country after the elections of 1977. Many states now had parties in power that were formidable political adversaries of Gandhi's Congress party.

The three-day National Opposition Conclave, hosted by Farooq in Srinagar in October 1983, precipitated his unseating. This convention—part of a series held by the Opposition to confront the hegemony of the ruling party at the Centre—was held despite warnings to Farooq from well-wishers within Prime Minister Gandhi's government. He had assured them that the conclave would focus on development needs and demands. Instead, it was a frontal assault not only on the quality of the Central government but on the prime minister herself.

Mrs Gandhi's cousin, B.K. Nehru, Governor of Jammu and Kashmir since 1981, had advised against unseating Farooq. He was replaced in April 1984 by Governor Jagmohan. During Indira Gandhi's Emergency government (1975–77), Jagmohan had been vice chairman of Delhi's main urban development agency, the Delhi Development Authority. He was widely regarded as hatchet man for Indira Gandhi's son Sanjay during the Emergency. Marginalized and prosecuted by the Janata Party government after the defeat of Gandhi's government in 1977, he had been rehabilitated on her return. Although Sanjay had died in a fiery airplane accident in 1980, Jagmohan continued to enjoy Mrs Gandhi's confidence as one who would unquestioningly follow orders. Soon after his arrival in Jammu and Kashmir, Jagmohan had prepared the ground by advising that Farooq's brother-in-law and antagonist, G.M. Shah, generally known as Gul Shah, be invited to supplant Farooq. As rumour had it, Jagmohan also bought the support

of twelve of the National Conference's forty-seven members of the Legislative Assembly—the going rate was said by the local wag to have been Rs 3,00,000 each. These would give the Shah-supporting defectors from the National Conference a majority with the support of the Congress party's twenty-six members.

Yet, Mrs Gandhi held back on dismissing Farooq. She was receiving contradictory advice. A delegation of professors from Kashmir University, including respected intellectuals such as Ale Ahmad Suroor, chair of the Department of Central Asian Studies, advised her that Farooq's support was flagging but any precipitate action taken by the Government of India would be looked on by Kashmiris as an assault on their autonomy. Mrs Gandhi felt that hasty action in Kashmir would be unwise because, with Kashmir, she said, one was never sure what the consequences might be. But Farooq's continued public intransigence and opposition to her government proved to be his undoing.

Jagmohan advised that popular rule be replaced by Governor's rule under Article 92 of the constitution of Jammu and Kashmir, which provides for Governor's rule if, at any time, the Governor is satisfied that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the state's constitution. Mrs Gandhi, wary of supplanting an elected government, ruled that some semblance of popular rule be retained. She had a low regard for Gul Shah but much affection for his wife, Khalida. As she related to me her relationship with the Abdullah family on her flight back from Srinagar after the elections of 1983, Mrs Gandhi said that she considered Khalida the most personable and intelligent of the Sheikh's children. Shah took over as chief minister; the defecting National Conference members were rewarded with ministry berths in his cabinet.

The overthrow of Farooq's government in 1984 was reminiscent of the events of 1953, down to the collusion of his cohorts with the ruling party at the Centre. But because the technique of dismantling inconvenient state governments had by now been fine-tuned by the Congress party leadership, the July 1984 drama was no replay of August 1953. It was instead patterned on the questionable but constitutional replacement of inconvenient chief ministers in Andhra Pradesh and Karnataka. Farooq continued as active leader of the National Conference, with Chief Minister Shah heading a splinter group. In

fact, Farooq enjoyed a surge in his waning popularity, being perceived as a victim of the assertion of Delhi's political imperialism. This ouster was widely supported by the Indian press at the time but has since been criticized by the same press. Farooq has spoken of it bitterly.[10] Some commentators have gone so far as to identify Farooq's ouster as the root cause of the insurgency that broke out at the decade's end.

My own impression from my conversations with Mrs Gandhi is that Farooq's dismissal was intended to be a harsh rap on the knuckles of a naughty nephew by Aunt Indira, to be rectified when he realized and apologized for his temerity. I certainly found her exasperated with Farooq, but never saw a trace of the 'intense dislike' that Inder Malhotra believes 'virtually blinded' her.[11] We will never know, because in October 1984 Mrs Gandhi fell to the bullets of Sikh assassins within her bodyguard, seeking revenge for the June 1984 despoliation of Harmandir Sahib, the Golden Temple in Amritsar, Punjab. The Sikhs held her accountable for the desecration of their holiest shrine. This brings me to another major reason, little spoken of, for the sacking of Farooq's government.

Mrs Gandhi's attitude towards Jammu and Kashmir had been grounded in concern for national security and in a lack of confidence in the younger Abdullah in ensuring it. An incident that bears this out occurred when the Jammu and Kashmir government issued a proposal for turning the Srinagar airport into an international airport. The prime minister not only rejected the proposal outright but called in her joint secretary G.K. Arora, who had recommended acceptance on my advice, to admonish him that an ulterior motive must always be suspected in any such proposal received from that state. In the case proposed, the possibility of the airport's misuse as a conduit for internal subversion should first have been ruled out. Mrs Gandhi was clearly uncomfortable with the idea of an independently functioning Farooq government. The devastating assault on the Golden Temple in June 1984 made it necessary for the Central government to have, at least for the time being, a compliant establishment in the immediate neighbourhood of the then deeply troubled state of Punjab, which, like J&K, abuts Pakistan.

But the questionable manner of the Farooq government's ouster confirmed Kashmiri suspicions that New Delhi would allow only

supplicants to rule the state, notwithstanding the public's own preference. His sacking, followed by subsequent developments, set in motion a chain of events that would lead to disaster.

Violence against Kashmiri Pandits with its grim consequences for Kashmir's social fabric was the first such event. In February 1986, with the Rajiv Gandhi government in its infancy, violence against the Hindu community broke out in the Anantnag district of south Kashmir. Fifty homes were reported to have been burned down and many more were damaged and looted. More than thirty villages were directly affected, including the small town of Bijbehara, with repercussions felt in Pandit neighbourhoods across the Valley. And I have it from a resident of Bijbehara, the hometown of Mufti Mohammed Sayeed, that those involved in these riots were all Congress workers, who, as gossip in political circles would have it, were paid 100 rupees each.

The most remarkable aspect of this outbreak was that even though the community had faced persecution by bigoted rulers in the past, this marked the first person-to-person conflict in all of Kashmir's history. In a statement to the press on the damage, the Anantnag Prabandhak Committee, a Pandit group in the area, concluded: 'Thus, mass exodus of Kashmiri Hindus appears to be the only way of preserving our life and culture.' It was an ominous portent of the future of the community, which numbered about 1,25,000 of a total population of nearly three million in the Kashmir Valley. Thanks to tendentious policies of successive state governments since Independence, the community also felt economically threatened.

The local Pandit leadership was quick to place the blame on the Shah government. On 7 March 1985 the Shah government was dismissed and replaced with Governor's rule. The imposition of Governor's rule gave Kashmiri Muslims the impression that the Government of India was succumbing to accusations made by the Kashmiri Pandit leadership. This perception was not entirely true. It was indeed a factor, but Prime Minister Rajiv Gandhi was also keen to mend fences with Farooq, who, as son of the Sheikh, he

assessed to have the widest following in the state, and who he felt, had been unfairly treated. However, it fuelled doubts and suspicion, undermining relations on the basis of misgivings. Never openly voiced, this apprehension had been carefully cultivated by those with a vested interest in subverting the traditional community bonds that sustained Kashmiri civil society. In no other Indian state had a government been dismissed solely because of communal rioting. Thus unravelled the tenuous philosophy of Kashmiriyat, intended to be a cementing force, by building on Kashmiri society's commonalities.

Despite the fact that 'Kashmiriyat' was the unofficial motto of the state's ruling party and even of the separatist JKLF, it was never universally accepted; the concept eventually succumbed to the pressures of radicalism and political contradiction. The mistrust among Kashmiris of the intentions of India's Central government, seemingly allayed after 1975, was revived.

With Punjab in turmoil and communal tensions within Jammu and Kashmir rising, political instability in that state could become a national security threat. As if to affirm this perception, the Muslim United Front (MUF), an amalgam of religion-oriented parties, was established in August 1986. Led by the Jama'at-i-Islami, it included the People's Conference, the Ummat-i-Islami and the Ittehad-ul-Muslimeen. Before the Shah government's dismissal, because of demonstrations and protests at what was regarded as Shah's usurpation, his government's imposition of curfews in Srinagar city had become so commonplace as to earn him the sobriquet 'Curfew Shah'. Shah's ouster had been secured in a manner similar to Farooq's: six Congress party members of the Assembly withdrew their support for his government, reducing his supporters to a minority.

Under Rajiv Gandhi, who had ascended to the prime minister's office on Indira's assassination and was affirmed by a sweeping victory in the 1985 parliamentary elections, the stage was set for a new beginning, which included a new government in Jammu and Kashmir. As Rajiv Gandhi sought to restore to Jammu and Kashmir the constitutional government that had been so rudely interrupted with the sacking of Farooq's government, a dialogue began that would culminate in the Rajiv–Farooq Accord of November 1986.

The principal outcome of the Rajiv–Farooq Accord was the political alliance between Farooq Abdullah's National Conference and the Congress party, ruling in Delhi. After the 1985 election, the Congress held an unprecedented three-fourths majority in Parliament—415 of 542 seats. A political alliance had been Mrs Gandhi's demand of Farooq in the lead-up to the 1983 election. The Kashmiri view of this accord is simply that Farooq caved in to the pressure of the Central government, compromising Kashmiri self-respect, which had been the basis for Farooq's resurgent support at the time of his ouster. Many analysts regard the accord as the final straw that drove a disaffected public into rebellion.

The political ramifications of the accord were pivotal. Addressing a public meeting at Iqbal Park in Srinagar in December 1986, Rajiv Gandhi explained that the primary objective of the accord was the shared interest of the participant political parties in sustaining the secular tradition of the state in the face of rising 'communalism', a trend seen as manifest in the establishment of the MUF.

Although, as described, the support base of the Jama'at-i-Islami came close to disintegration after the execution of Pakistan's Prime Minister Bhutto, by 1987 the Jama'at was strong enough to lead a Muslim United Front big enough to alarm the Central authority. How this came about has been barely noticed and the only one to comment upon it is Sumit Ganguly in his *Kashmir: Portents of War, Hopes of Peace*.[12] First having run in elections in 1972, when it was allowed to take five seats because it was not considered a serious contender for power, the Jama'at had been thrown into disarray by the 1979 upheaval, consequent upon the hanging of Bhutto. Under the leadership of the deeply committed Syed Ali Shah Geelani, the Jama'at steadily worked towards restoring its influence and propagating religious education through madrasas, of which there had been few in the state. This proliferation was intended to give depth to the Jama'at's support base.

The Sheikh, aware of the group's propensities, had shut his eyes to these developments. To strengthen his own position, he continued to play on the pervasive mistrust that had infused the relationship between the Indian leadership and the Kashmiris. By making no effort to discourage the Jama'at's efforts at proliferating madrasas, yet citing

the party as a potential threat, he ensured the Indian government's accommodation of his own government's freedom to manoeuvre within the state. Thus the Sheikh kept alive the spectre of religious revivalism as a threat to secular polity, in case his own position became weakened.

The madrasa network initially failed to make headway because it lacked local learned clerics to run the schools. Although the Muslim Auqaf Trust, headed by the Sheikh, ran a sprinkling of madrasas (that continued to be supported by the Trust into the next century), these had limited influence. Religious education had until then largely been a family affair, with family elders expected to act as teachers. Hence, the institution of the mirwaiz—a religious leader who could expound on Qur'anic laws; this system lacked rote, but was rich in the Sufi tradition.

Assam, in India's extreme north-east, erupted in bloody communal carnage in 1982–83, culminating in the massacre of Bengali Muslims, including little children, in the villages of Chawalkhowa and Nellie. The Assam movement was a secessionist movement led by indigenous communities, who felt threatened by the large-scale settlement of Bengalis from Bangladesh and West Bengal in the wetlands of the Brahmaputra River, which Bengalis successfully converted to a productive agricultural tract. The uprising had repercussions across northern India. Clerics fleeing from Assam found security as well as employment in Kashmiri madrasas. Kashmiri madrasas run by the Jama'at became a potent influence on young minds and played a critical role in nurturing the religious mindset of young Kashmiris by the close of the 1980s, when the insurgency erupted.

The Rajiv–Farooq Accord was not simply a political settlement between two hitherto rival parties. What seems to have gone unnoticed is that it was laced with an ambitious agenda of development projects designed to meet infrastructure, economic and governmental needs, primarily power and transport connections.

Farooq Abdullah believed that his years of confrontation with the Central government had stalled development activity. He reasoned that an agreement with the Central government would speed development funding so that, at the end of his term in office, he could point to several specific benefits received as a result of having yielded in his relationship with the Centre.

Rajiv viewed with concern the slow pace of development in Jammu and Kashmir, which, with its strategic location and thriving tourist business, he saw as a potential showcase of India's ethnic harmony and economic progress. He realized that growing public dissatisfaction at the lack of speedy development, exacerbated by pervasive mistrust at the Central government's attempted political manipulation of the state, could breed disaffection. The rise of Muslim radicalism in the politically sensitive state was also cause for unease. In December 1986, visiting Kashmir at the height of winter, he wished to convey an Indian message of concern for the Kashmiris; and so he drove by car from Jammu, across the Pir Panjal range, eschewing the prime minister's private jet. In the bitter cold of Kashmir's winter, amidst snowfall that disrupted his motorcade from Jammu, he spent much of his time in Srinagar, driving about town, dropping in unannounced at people's homes, asking the people what they expected of their government.

During this visit, Rajiv announced the extension of north India's railway network into the Kashmir Valley from its railhead at Pathankot in Punjab, 400 miles away, together with a plan for modernizing the infrastructure of Jammu and Kashmir. This plan was thrashed out at a meeting between senior officials of both state and Central governments in Srinagar. Yet, this part of his message utterly failed to strike home.

After long delay, the 345 MW Salal Hydel Project was commissioned in 1988. To carry the additional load, the high-voltage transmission line from Jammu, where Salal is located, was upgraded, and an agreement was made with the leading public-sector manufacturer of heavy electrical products, Bharat Heavy Electricals, to install three 25-megawatt gas turbines on the outskirts of Srinagar. As was typical of the skewed development activity in the state, the transmission line was not upgraded in time to receive the additional power to be generated. To display the immediate benefits to the deprived power consumers of the Valley, who were particularly affected when power generation in the winter months stalled because water supplies for hydroelectric power froze, the authorities resorted to investment in expensive gas power generation.

Another infrastructure advance, the activation of international subscriber trunk dialling in February 1987—among the earliest

in India—sought to promote Kashmir as an international tourist destination and give its people access to the world. Construction began on the railway line between Pathankot and Jammu, winter capital of Jammu and Kashmir.

But these were mere flashes in the pan. Notwithstanding the Planning Commission's generosity in extending financial support, expensive power generation required a high power tariff, whose imposition led to a violent agitation across the state in mid-1988. The lumbering bureaucratic framework of the state and Central governments could not have been expected to galvanize simply because the heads of both were friends. The prime minister's office nominated me, a joint secretary, to monitor development, but this gesture could not overcome the ossified procedures of a bureaucracy designed to maintain the status quo.

The corruption and nepotism within Kashmir's bureaucracy, unaddressed—and, in fact, encouraged—by those in authority, became increasingly institutionalized due to economic stagnation, with favourites lapping up the scanty spoils. This institutionalization included admission to premier institutions of technical education such as the Regional Engineering College in Srinagar and the Medical Colleges in Jammu and Srinagar, where rules of admission, designed to conserve patronage, were based not on merit but on vetting by a committee headed by the state's chief minister. When those conceived as most deserving were ignored for lack of patronage, it was widely seen as a confirmation of the Kashmiris' suspicions that the political leadership was enriching itself at their expense. Despite Rajiv's worthy intentions, his efforts to improve Kashmir's lot seemed damned at every turn by circumstances beyond his control.

Democratic governance provides its own safety valves in such a situation; a political alternative exists for a disgruntled electorate. In this case, the two major parties that had ruled the state since Independence were now in alliance and the only alternative was the MUF. Much later, Rajiv Gandhi realized the folly of the alliance. By combining into a single political entity, the secular leadership denied the disgruntled voters a secular alternative.

Rajiv had the benefit of hindsight when confronted with a similar situation in the Union Territory of Lakshadweep, the beautiful coral archipelago in the Arabian Sea with an entirely Muslim population.

When I, as administrator, Lakshadweep, in the build-up to the 1989 parliamentary elections suggested to him a similar political alliance when the Muslim League began making inroads under a charismatic young leader, Rajiv Gandhi admitted as much in turning down advice to consolidate secular forces against the Muslim League, as had been done in Kashmir. The Congress party continued to hold the parliamentary seat from the territory since the earliest elections, until it lost to the nationalist but still secular Samata Party in 2004, only to regain it in 2009, and the Muslim League threat receded without ever having become a serious problem. Rajiv had learned his lesson. And as further experience with a Sikh religion-oriented party—the Shiromani Akali Dal, which ruled in Punjab for much of the 1990s—has demonstrated, the prospect of rule by community-oriented parties is no cause for alarm. But in the Kashmir of 1986, both Rajiv and Farooq were young and politically inexperienced.

In his first two years as prime minister, Rajiv Gandhi cast about for means of reconciliation with the various adversaries of India's cohesion. This was characterized by a series of 'accords'. The first of these was the Rajiv–Longowal Accord of 1985 on Punjab, called the 'Memorandum of Understanding'. This accord sought to bring resolution to the Sikh imbroglio in Punjab, the most pressing crisis of the time, which had cost Indira Gandhi her life. The accord outlined a process for pursuing the demands of the Sikh-dominated state of Punjab for territorial adjustments with the neighbouring state of Haryana. Rajiv Gandhi and Harcharan Singh Longowal, president of the leading Sikh political group, also agreed on greater autonomy in Centre–state relations, sharing of river waters and a host of less troublesome concerns of the Sikh community.

Rajiv instituted several other accords, including one with the All Assam Students' Union in August 1985. This was the violent insurgent group in the north-eastern state of Assam, which had seen much bloodletting in the early 1980s. Then came the Mizoram Accord in June 1986, which sought to bring to a close the Christian Mizo tribal community's insurgency, which had persisted since Independence. The last of this series of peace initiatives was the Sri Lanka Peace Accord of 1987, which mediated the ethnic conflict between Sri Lanka's Sinhalese and Tamil communities.

Though the accords were made with the best of intentions, their success rate was spotty. Anil Athale, former joint director of war studies in India's ministry of defence and a retired colonel in the Indian Army, assessed Rajiv Gandhi's efforts:

> In less than a few years, all except the Mizoram peace accord were in shambles. Sant Longowal was assassinated and Punjab saw renewed violence that ended only in 1992–93. Even the most partisan of analysts have not dared to credit peace in Punjab to that agreement. Peace continues to elude Assam even ten years after the Assam agreement and Sri Lankan peace fell apart by October 1987 and saw the Indian army in a bloody conflict with the LTTE, a conflict that cost nearly 2,000 casualties, a number that is greater than the combined losses in the 1962 Sino-Indian and the 1971 Indo-Pak conflict.[13]

The Rajiv–Farooq Accord, seeking to overcome the weaknesses of earlier accords, specifically addressed social and economic issues together with its political content, but its political thrust was central. It sought to generate popular support; in this, it failed.

Just as the elections of 1977 were a referendum on the Indira–Sheikh Accord, the State Assembly elections in March 1987 were supposed to be a referendum on the Rajiv–Farooq Accord. The alliance was returned to power with an overwhelming majority: sixty-six seats between the two parties—forty for the National Conference and twenty-six for the Congress party. The MUF secured four seats. Yet this election was so sullied that it fed directly into insurrection. Sumantra Bose—a professor of international and comparative politics at London School of Economics, who has researched extensively on ethnic conflict and democratization in divided societies—graphically describes the election in Amira Kadal, the constituency with the highest profile in Srinagar city.[14] This constituency was supposed to see a contest between the National Conference's Ghulam Mohiuddin Shah, brother of Gul Shah and so a close relative of the Sheikh's family, and Syed Mohammed Yusuf Shah of the MUF's Jama'at-i-Islami component. In fact, there was no contest at all.

In a brutal throwback to the pre-1977 electoral process in Kashmir—without the experienced preparation and finesse that had made earlier rigging appear less blatant—the ballots were simply replaced, giving

victory to Mohiuddin Shah. Bose avers that this practice was replicated through *all* the constituencies in the Valley. Farooq Abdullah, on the other hand, declares that there was no rigging whatsoever. Having spoken to several participants, however, I am satisfied that there is not the slightest exaggeration in Bose's account of what transpired in the Amira Kadal constituency; of the others, there is conflicting evidence.

Many of the young men who were election and polling agents for Syed Mohammed Yusuf Shah went on to lead the insurgency in 1989. At the time of the 1987 elections, these young men were imprisoned without bail for months under the state's draconian Public Safety Act and treated inhumanely; in at least one case, a prisoner was forced to drink urine. There have been accounts from among those who were detained of Mohiuddin Shah visiting jails and urging policemen to use the harshest measures on the 'goondas', who were, in fact, only young idealists seeking to exercise what they had come to believe were their democratic rights.

To suggest that every constituency in Kashmir was corrupt in equal measure would be an overstatement. Amira Kadal was a high-profile constituency in which the National Conference candidate was a core member of the ruling elite. His victory was regarded as essential, both to assert the National Conference's ascendancy among Kashmiris and to strengthen its relationship with its political ally, the Congress party. Governor Jagmohan later denounced the entire election as rigged, on the basis of which he dissolved the State Assembly in February 1990, shortly after his second term as Governor began. Clear indications of malpractice in the 1987 election had been found in only ten constituencies, primarily in Srinagar, where the support base of the National Conference had been tenuous. Moreover, such evidence appeared only in those constituencies that were won by the National Conference.

The conduct of this election raises some questions: with the institutionalization of redress of electoral malpractice through an independent Election Commission of India, why did those aggrieved not take recourse to seeking its intervention? With both dominant parties in alliance and able to virtually monopolize the legislature, why was it necessary for the National Conference to resort to rigging? A related question is, if Prime Minister Rajiv Gandhi's goal was to ensure

the restoration of constitutional government, why was this prostitution of the electoral system tolerated?

These questions illuminate a stark but bitter reality—the atmosphere of mistrust that characterized the relationship between India and Kashmir. Kashmiris regarded the Election Commission as simply an organ of government. If the election of 1987 was an example, the state and Central governments seemed to be conniving to deprive Kashmiris of their freedom. Thus, appealing to the Election Commission seemed an exercise in futility. The Election Commission is empowered to take *suo moto* cognizance of suspected malpractice. As Chief Election Commissioner J.C. Lyngdoh admitted to me many years later, the commission has remained constrained regarding Jammu and Kashmir by the need to avoid compromising national security.

The answer to why it was necessary for the National Conference to resort to rigging the election is even more illustrative of the fragile nature of the political alliance that went into the election of 1987 with such fanfare. In March 1977 the Congress party had suddenly withdrawn its support for the Sheikh Abdullah government, triggering elections three months later. The Congress party bought members of the National Conference to bring down its government in July 1984. In March 1986, by withdrawing its support, the Congress party brought down Shah's government. Although relations between the leadership of the National Conference and the Congress party in 1986 may have been cordial, there never was any love lost between the two. In the 1987 election Farooq wished to capitalize on the relationship to retain his independence without having to rely exclusively on Congress support. He thus allowed the election to be rigged by the National Conference so that he would not be beholden to the Congress. Had he not done that, the MUF—a potent though not dominant force—might have won fourteen seats in the Assembly, which would have allowed the MUF to participate meaningfully in the state's affairs and would have helped integrate Kashmir's politically conflicting sectors into a working whole.

Although murmurs about the vote rigging were hardly heard in New Delhi, the prime minister must have been informed of these events. Yet there was no intervention by the Central government. The Centre's apprehensions, though voiced privately, were not voiced in

public. This was partly out of consideration for a political ally of the ruling party, but also because of the very doubts and mistrust that had characterized that party's relationship with Sheikh Abdullah and his son. The unfounded fear was that with any encouragement, the MUF would gravitate towards Pakistan. And so the thread of suspicion that has interlaced the relationship between New Delhi and Srinagar persisted in poisoning political policy.

Syed Mohammed Yusuf Shah, the discomfited candidate in the Amira Kadal constituency in 1987, went on—under the nom de guerre Syed Salahuddin, invoking the legendary Seljuk victor in the Crusades, known in the West as Saladin—to become head of the militant Hizb-ul-Mujahedeen (HUM). This would become the sword arm of the Jama'at-i-Islami in the implosion that would beset Kashmir in 1990, discussed in the next chapter. He was, by the beginning of the twenty-first century, chief of the Muttahida [United] Jihad Council based in Muzaffarabad. Other disillusioned participants in the Assembly elections crossed over to Pakistan-administered Kashmir to seek training, finance and weaponry to pursue an insurrection. Many years later, in an interview to *Der Spiegel* in October 2010, on launching a new political party as his political vehicle, the former military ruler of Pakistan, Pervez Musharraf admitted to the Pakistan Army having trained underground militant groups to fight in Kashmir. 'Yes, it is the right of any country to promote its own interests . . . when India is not prepared to discuss Kashmir at the United Nations and is not prepared to resolve the dispute in a peaceful manner,' he is claimed to have said. Most tragically, Kashmiris in general were convinced that freedom, which the Indira–Sheikh Accord of 1975 and subsequent elections had promised, was inaccessible. Small wonder then that the grave of Sheikh Abdullah became a prime target of attack. Located beside the great dargah so painstakingly built at Hazratbal by the Sheikh on the shores of the Dal Lake outside Srinagar, the grave was placed under heavy military security to protect the Sheikh's remains from the very people he had so loved and sought to serve. The people had decided that freedom would never be given them. To win it, they had to seize it.

4

IMPLOSION

The better days of life were ours;
The worst can be but mine:
The sun that cheers, the storm that lowers,
Shall never more be thine.
The silence of that dreamless sleep
I envy now too much to weep;
Nor need I to repine
That all those charms have pass'd away,
I might have watch'd through long decay.
—George Gordon (Lord) Byron,
'And thou art dead as young and fair'

In the perceptive conclusion to his *Roots of Terrorism*, Kanti Bajpai describes the causes of persistent alienation from the state in different parts of India:

> Throughout the borderlands, the original causes—fear of the heartland and resentment of ethno-religious competitors closer at hand—have been overlaid by other 'causes'. The politics of fear and resentment have so convulsed these states that a whole secondary set of causes has usually appeared as the driving force of secessionism—poor governance, corruption and various other ills including violence itself. Faced with protests and instability, the machineries of central

> and state governments have increasingly malfunctioned . . . Protests and instability have grown, as have both state and popular violence. Repression and alienation have fed off each other in ever more vicious cycles. Ultimately, independence, not autonomy, has seemed the only way out of the morass of anger and suffering.[1]

In January 1990 insurgency erupted in the Kashmir Valley; it quickly overflowed into Jammu with terrorist infiltration across the LoC. The insurgency was based on the Kashmiri demand for azadi. The revolt was led by the JKLF (an organization that had developed from the National Liberation Front), which had gradually extended its influence from Pakistan's Kashmir into India's Jammu and Kashmir. But in 1990 all the insurgents were from within the Kashmir Valley. They were financed, supplied and trained by Pakistan's Inter-Services Intelligence (ISI), then still relishing its success in helping the Afghans triumph over Soviet occupation.

The JKLF's declared objective was to win azadi for Jammu and Kashmir, thus restoring to Kashmiris the dignity they felt had been compromised by India's rule over their land. Earlier chapters describe the various agreements between Indian governments and the governments of Jammu and Kashmir. Because the Kashmiri people saw these agreements as repeated sell-outs by their self-serving elites, the later moves towards resolution through dialogue were complicated and suspect in Kashmiri eyes. The Kashmiri political leadership was convinced that these agreements constituted repeated betrayals by successive governments of India, reneging on promises made to Kashmir. This chapter details the state's descent into chaos and the snuffing out of the brief glimmer of hope of the 1970s by the trajectory of violence.

By 1988, many of Kashmir's youth were persuaded that because all other methods of achieving freedom had failed, violence was their only recourse. The decline and fall of the Soviet Union, so graphically projected by the media—particularly by the popular BBC TV, which was perceived as impartial by Kashmiris, wary of propaganda—provided hope for a similar disintegration in India. This sense that a window of opportunity had opened was accentuated by the fall of India's Congress government at the Centre in the elections of 1989 and its replacement by an unstable coalition of parties.

But after the initial euphoria in successfully paralysing government in Jammu and Kashmir, and particularly in the Valley at the start of the 1990s, the movement quickly dissipated into a struggle for domination among different groups. What had begun as an ethnic conflict was given a religious identity by the ISI, which promoted religiously oriented groups. The JKLF too acquired a religious leaning, even though the party's manifesto had sought to build on the original secular foundations of the National Conference. Bitta Karate, the notorious terrorist who targeted the Kashmiri Pandits, was from the JKLF. The Hizb-ul-Mujahedeen, a militant wing of the radical Jama'at-i-Islami, whose agenda was Kashmir's accession to Pakistan, sought to marginalize the JKLF. Though the JKLF philosophy then was and has remained supposedly secular, the Kashmiri Pandits, a minuscule minority of Hindus in Kashmir Valley, became the principal targets of terrorists from both the JKLF and the Hizb-ul-Mujahedeen. This violence sparked the emigration of nearly the entire Pandit community from the Valley into a diaspora spreading from Jammu into different parts of India and, for the well heeled, even as far as the US. By 2008, the Pandit population in the Valley, assessed by the Pandits themselves as having numbered 75,343 families on 1 January 1990, was reduced to but 651. Nearly seventy thousand families, according to this assessment, had fled in the turmoil of 1990–92. But the bulk of the emigration thereafter—over three thousand families—left in the years when violence had been brought increasingly under control, in the decade commencing 1998.[2] The Valley's Sufi legacy came under severe threat, with young vigilantes scouring streets and major shrines, warning would-be devotees to stay away from the many shrines that had for centuries stood as a beacon of harmony in changes across the state.

The outbreak of the insurgency began in March 1988 with a bomb blast at the telegraph office on Srinagar's main street; the JKLF claimed responsibility for the blast, and revolution simmered throughout 1989. The Rajiv Gandhi government at the Centre, which was in alliance with the state's ruling National Conference, was defeated in the November 1989 elections to India's Parliament. On 8 December, the JKLF kidnapped the daughter of India's newly appointed home minister, Mufti Mohammed Sayeed, himself a Kashmiri.

But the storm had begun to brew in March 1987. As discussed in chapter 3, in returning a National Conference–Congress government to power, the 1987 election was widely perceived as India's ultimate betrayal of its promise to Kashmiris of freedom within the Indian Union. This disillusionment, carefully nurtured and fed by the ubiquitous ISI, led to an outflow of young men to Pakistan's Kashmir and to Afghanistan for training in the use of weapons—many seized from the retreating Soviet armies. The AK-47 became the preferred armament. Among those who took charge of this training was Gulbuddin Hekmatyar, the fanatical Afghan warlord, then among the most bitter and most brutal opponents of the USSR. He was to rise to prominence in Afghanistan once more as head of the Hizb-e-Islami, when he emerged from hiding in Pakistan on the fall of the Soviet-supported Najibullah regime in Kabul in April 1992—still the inveterate terrorist. Many surrendered militants to whom I spoke boasted of having received their training from Hekmatyar. He went on to attack NATO troops upon their deployment, including within the capital. Afghanistan President Hamid Karzai, casting about for initiation of a peace process in that embattled country, met Hekmatyar in March 2010, much to the consternation of his US allies.[3]

The migration of youths exposed grave weaknesses in the Indian defence's patrolling of the LoC. In September 1988 the first group of Pakistan-trained youths was arrested by the Kashmir police; they were by no means the first to have crossed over. Local shepherds from the Gujar community had guided infiltrators through craggy shepherd pathways. The paramilitary BSF, created to patrol the India–Pakistan border after the war of 1965 and deployed along the LoC after the Simla Agreement of 1972, was lackadaisical. Passage across the LoC was easily obtained by paying bribes set at predetermined rates.

By early 1990, 500-rupee currency notes could be exchanged in Srinagar at premium rates because they were the most acceptable form of grease for venal palms. Indian columnist Praveen Swami, who has extensively researched the trajectory of terror and the response of India's security forces in Jammu and Kashmir, notes:

> Interestingly, 1990 saw the first recoveries of heavier weapons, like general purpose machine guns and rocket launchers. The fact

> that these were found only in 1990 suggests the weapons were of recent origin. This, again, supports the often-expressed complaint that Indian management of the Line of Control was exceedingly lax during this period.[4]

The long, hot summer of 1989 saw languid Srinagar descend into violence. The JKLF launched the 'quit Kashmir' movement against the government. This movement was modelled on the one launched by Sheikh Abdullah in 1946 against the maharaja, spelling the beginning of the end of the maharaja's rule. In an effort at conciliation, in July 1989 the state government released seventy-two men described as 'subversives', who had been arrested on their return to India after acquiring arms training in Pakistan. But the day after that release, the JKLF attacked security forces, killing three members of the Central Reserve Police Force (CRPF) in Srinagar. The CRPF, a paramilitary police organization, is an instrument of the Central government charged with maintaining law and order and deployed to address civil disorder that is otherwise, according to India's Constitution, the responsibility of state governments.

On 21 August 1989 Mohammed Yusuf Halwai, an official in the ruling National Conference, became Kashmir's first political murder victim when he was shot in broad daylight in Srinagar. The local police launched a search for the perceived organizer of the assassination, Shabbir Ahmed Shah, leader of the separatist Democratic League. Shabbir's father's home was stormed and the old man was dragged out and murdered on the streets of Anantnag. Shabbir was arrested in early September. Without any charge of violence, he remained in custody until October 1994, becoming, to many Kashmiris, their own Nelson Mandela.

Then, in December 1989, the JKLF kidnapped Dr Rubaiya Sayeed; this was the first abduction in which a demand was made for the exchange of prisoners being held by the government. But Sayeed was the daughter of Mufti Mohammed Sayeed, India's new home minister. The freshly installed government in New Delhi succumbed to the kidnappers' demands, following negotiations conducted under the supervision of Central government ministers led by Inder Kumar Gujral. The Abdullah government, which had urged that concessions

be minimal, was sidelined. The subsequent release of five JKLF militants was greeted with tumultuous public jubilation—setting an unfortunate precedent. For some time thereafter, senior government executives and children of political leaders were regularly kidnapped and released for a price—the price being the release of persons detained by the government.

A terrorist group known as the Ikhwan-ul-Muslimeen refined the habit of perpetrating this evil. On 6 April 1990 militants abducted Mushirul Haq, vice chancellor of Kashmir University, his private secretary Abdul Gani and H.L. Khera, general manager of Srinagar's public sector Hindustan Machine Tools. The state government, hoping to retreat from what was seen as total capitulation in the Rubaiya Sayeed case, refused an exchange, whereupon the abductees were murdered. On 20 August 1991, in the last of such cases, five detainees were released in exchange for Indian Oil Corporation Executive Director K. Doraiswami, who had been kidnapped in June while visiting Srinagar. It was a deal I had helped broker and for which I had been summoned back from an assignment in New Delhi by Rajesh Pilot, then India's minister of state for internal security.

On the release of Rubaiya Sayeed, the political leadership in New Delhi, taken aback by the escalating violence, forced the government of Farooq Abdullah from office. This was achieved through the reappointment in January 1990 of Jagmohan[5] by the President to replace Governor Krishna Rao, the Rajiv Gandhi government's nominee. Jagmohan's appointment was made on the advice of Home Minister Mufti Mohammed Sayeed and was supported by the BJP, a constituent from outside the coalition. The appointment of Governor Jagmohan, whose earlier term in that position had ended in 1989, was expected to arouse resentment. Farooq himself had strongly urged the new government against such an appointment. Mufti claimed that Farooq, finding the revolt in the Valley uncontrollable, had resigned as chief minister using the excuse of Jagmohan's appointment. It is true that Farooq had consulted with Rajiv Gandhi, who had advised that Farooq resign, saying that it was only a matter of time before

a government led by Rajiv would be back. Rajiv was still leader of the largest political party in Parliament, and he correctly anticipated that the loosely knit political coalition with contradictory political ideologies that had replaced his government would soon fall. But the key factor prompting Farooq's resignation was still the appointment of Jagmohan, regarded by Kashmiris as being prejudiced against Muslims.

With the resignation of Farooq, Governor's rule was imposed in Jammu and Kashmir. Why, then, was Jagmohan appointed Governor? To answer that question we must turn once more to the convoluted politics of that state.

Mufti Mohammed Sayeed had been a stubborn opponent of the Abdullah family. His opposition to the Indira–Sheikh Accord of 1975 has been touched upon in chapter 2. The conversation between Sheikh Abdullah's wife, Akbar Jehan, and my mother, Hamida Habibullah, related in chapter 3, shows that the distrust was mutual. Now Sayeed was India's home minister, the first Muslim in independent India to hold that position. The message that Prime Minister V.P. Singh was sending was one of trust in India's Muslims, a principal constituent for his party. Yet, the Hindu nationalist BJP, which supported Jagmohan, was part of Singh's coalition. The appointment of Jagmohan would please them, assuaging any apprehensions that could arise among them at the prospect of a Muslim as home minister. From Mufti's point of view, the principal benefit would be in forcing Farooq, whom he disliked, from office. Farooq had threatened to resign if Jagmohan were appointed. His resignation would enable Mufti to develop direct channels of contact with engineers and forest conservators serving in the state government. With the National Conference government ousted, Mufti could also dream of returning to the state as chief minister, a vision he had cherished since assuming leadership of the Congress Legislature Party in Kashmir in 1977; but that would be realized, after much travail, only in 2002.

The fall of the elected government left the local population open to the blandishments, threats and inducements of the insurgent leadership and its sponsors abroad. Mufti commanded no party that could cushion the insurgents' grass-roots impact. The local administration cowered in the shelter of fortified government offices and official residences located in heavily defended neighbourhoods and apartment buildings,

from where officials were transported to office in armed convoys. The city streets—and, indeed, whole swaths of countryside—were left to the mercy of the insurgents, who were widely regarded as liberators. The National Conference members themselves were running scared from militants who dubbed them collaborators with the Indian state and demanded in a public announcement, as early as in August 1989, that they resign from the party or face dire consequences. The atmosphere was thick with mistrust and suspicion of all outsiders—who, in fact, made up the bulk of the senior bureaucracy. The state had become ungoverned and ungovernable.

Open insurgency exploded in January 1990 when civilian protestors at Gao Kadal in Srinagar[6] were indiscriminately fired upon by a nervous security force the day after the fall of the elected government of Farooq. In response, the JKLF attacked the Indian Air Force base in Rawalpora, outside Srinagar, killing four air force personnel. Violent confrontation ensued, overwhelming people with mistrust: a virtual mutiny of the local police was followed by a seventy-two-day strike by Kashmir's government employees. More tragically, this was accompanied by the complete breakdown of communal accord between Hindus and Muslims—the amity that had been the hallmark of Kashmiri culture since time immemorial.[7]

The roots of disaffection lay deep. Mishandling by the Central government, meddling by Pakistan and the political instability in India, set against the dramatic fall of the mighty Soviet Union,[8] combined to fuel suppressed grievances, leading to an implosion unprecedented in its violence in a place renowned for a culture of non-violence. It is doubtful whether harmony can ever be fully restored.

I returned to this charged atmosphere in 1990 in the post of special commissioner, Anantnag. By then, the relationship between the civil authority and the public had ruptured. Those who had worked for intelligence agencies, together with those seen as corrupt, became primary targets for the insurgents. Many people were killed, and since several Pandits were among the field intelligence agents, their deaths—together with the targeting of eminent Kashmiri Pandits such as Lassa Koul, head of the Srinagar branch of the Union government's TV channel, Doordarshan, gunned down in February 1990—fuelled the Pandit perception of threat. Some eminent members of Kashmiri

society, including several senior government executives, resorted to placating militants with exorbitant gratification or engineering their own transfer out of the Kashmir region.

Governor Jagmohan had been a competent municipal administrator. As head of Delhi's Development Authority in the 1970s, he had initiated many of the measures that became the benchmark for urban planning in India's capital. His earlier tour of duty as Governor of Jammu and Kashmir had been similarly marked by accelerated development of roadways, street lighting and environmental restoration work, which until then had remained woefully neglected.

In his second term, Governor Jagmohan identified the chaos in Kashmir as the result of poor governance by Farooq Abdullah. When I called on him in my new role as commissioner, he proffered the facile advice that if I focused on development, the public 'protest'—which is all that he saw the prevailing violence to be—would abate. His personal dislike of Farooq Abdullah, whom he described as 'weak and wayward', is demonstrated in an apologia of his own governance, *My Frozen Turbulence in Kashmir*.[9] The work is liberally sprinkled with descriptions of his bête noire as corrupt, anti-national and dissolute. Governor Jagmohan dismissed the elected State Assembly in February 1990, confirming in the public eye that the election of 1987, by which that Assembly came to power, was rigged, thereby providing further ammunition for accusations by the separatists against the Indian state.

Jagmohan was unable to decide whether to permit public demonstrations that would give people an opportunity to vent their grievances against misgovernance—which he thought he would easily remedy—or to suppress them because they threatened a subversion of the Indian state. The shooting of January 1990 at Gao Kadal, the spark that finally lit the conflagration of insurgency, was not of his making, but the precipitate exit of the government made him look guilty all the same. In the past, the state government had sought to take a conciliatory approach to militant actions, but by January, the government had decided that stronger action to suppress insurgency was required.

People focused the blame for the deaths of innocent bystanders at Gao Kadal on the hapless Kashmiri Pandits, who were seen to be supporters of Jagmohan. Murder led to panic. Fearing for their lives—exacerbated by a press release by the Hizb-ul-Mujahedeen published

in Srinagar's Urdu daily, *Al Safa*, demanding that they leave—Pandits began an exodus from Srinagar in February 1990. A month later, the same panic gripped Anantnag district in south Kashmir. To this day, Kashmir's Muslims believe that Jagmohan was responsible for encouraging Pandits to flee the Valley and that the press release was a fabrication of the government's intelligence agencies. Pandits, on the other hand, believe that he was their sole protector and that the administration failed to help them because it was complicit with insurgents. This deep conviction among young Kashmiri Pandits will, I fear, leave a scar for generations.

By early 1990, the public had ceased visiting government offices and sought redress of their grievances from a parallel militant administration. But in early March, to the alarm of the armed security at the gate, a crowd of several hundred gathered before my office in Khannabal in Anantnag district, demanding to see me. The position of special commissioner, Anantnag, was an office specially created by Jagmohan to coordinate all activities of the civil administration in south Kashmir. I had set up office (and residence, due to the disturbed circumstances) in the state rest house in the district headquarters. I met the group, which was from Nai Basti, the middle-class neighbourhood of Anantnag town, on the office lawn.

Mohammad Syed Shah, generally known as Syed Shah, brother of Shabbir Shah and MUF member of the dissolved State Assembly, demanded to know why Pandits were leaving and why the administration was doing nothing to discourage the exodus. When I explained that the Pandits, like him, were free citizens of a free country and could move about as they chose, Shah, with the vigorous support of his delegation, accused the administration of encouraging the migration so that the Valley would be cleared of Hindus and the army would be free to aim its heavy artillery at all habitations, which would by then be entirely Muslim or Sikh. He made this charge in all seriousness.

I asked the delegation if they knew me—among my earliest postings was one in Anantnag in 1971—and, if so, did they believe that I, a Muslim like them, would actually be the instrument of such a plan. Their response was that I had been kept in the dark and that they were privy to 'secret' information. I told them quite clearly that it was hardly surprising that Pandits were apprehensive. Any minority

would be if places of worship of the majority were continually used to blare strident threats to them over loudspeakers—as every mosque in Anantnag, where I could hear them, was being used at the time—and if prominent members of their community had been murdered. (I learned later that these inflammatory sermons and their reverberating public applause were audio recordings circulated to mosques to be played over loudspeakers at prayer time.) I also told them that such use of a sacred place was no less than desecration and contempt for the faith. Local Muslims needed to reassure the Pandits of their safety. The administration would readily provide security whenever a threat to the Pandits was anticipated, but its effectiveness would be doubtful without public support, given that the residences of the Pandits were scattered about the Valley and without concentration except in certain pockets. But I assured the group that I would bring this issue to the Governor's attention. After some indignant objections were raised by younger members on my accusation of desecration, and were reproved by the elders, the gathering concurred with my approach and dispersed quietly.

I called Governor Jagmohan to ask that he telecast an appeal to Pandits that they stay in Kashmir, assuring their safety, on the basis of the assurance of the Anantnag community. Unfortunately, no such appeal came, only an announcement that to ensure the security of Pandits, 'refugee' camps were being set up in every district of the Valley, and Pandits who felt threatened could move to these camps rather than leave the Valley. Those Pandits in service who felt threatened were free to leave their stations; they would continue to be paid salary. Predictably, this announcement confirmed the perception of threat and escalated Pandit migration. The rift between the Valley's two main communities was now complete.

The government had reacted to the demonstration in Gao Kadal by imposing a curfew in all towns of the Valley. In Srinagar the curfew continued without relaxation for sixteen days (22 January to 6 February 1990). On 21 February, half a million Kashmiris marched from Srinagar and other parts of the Valley to the holy shrine of Charar-e-Sharief, seventy-five kilometres south of Srinagar. They travelled in carts, wagons and motorcycles and even on foot through sleet and freezing rain, chanting slogans and poems, calling for freedom. At

Charar-e-Sharief, militant activists, most from the JKLF, made fiery speeches in which they vowed that their struggle would continue until they achieved their cherished goal of azadi.

On 1 March 1990 a crowd of more than one million from every part of the Valley, many wrapped in shrouds, gathered at the headquarters of the UN Military Observer Group in India and Pakistan (UNMOGIP) in Srinagar. Impassioned speeches were made; memoranda addressed to the UN Secretary-General demanded that he urge India to concede to Kashmiris their inherent right of self-determination. Indian security forces fired at the crowds (notably in the Zakura suburb of Srinagar), resulting in some casualties and further inflaming tempers.

Governor Jagmohan's response was, once more, to declare curfew, with an hour of relaxation daily to allow for household activity. While security forces were enforcing curfew in the towns and cities of the Valley, militants roamed freely in the countryside. The moribund administration was crippled by Governor Jagmohan's insistence on keeping every decision in his own hands. Under siege in the Governor's mansion, Jagmohan vacillated, out of touch with reality. With the incapacitated intelligence services providing all his information, Jagmohan rejected any effort at public outreach and deliberately sought to marginalize every branch of local government, including the police, all of whose loyalty he had begun to suspect.

On 21 May 1990 Mirwaiz Farooq, the leading cleric in Kashmir, was assassinated in his home by a terrorist of the Hizb-ul-Mujahedeen. Although this was common knowledge,[10] this fact was never openly acknowledged by the 'separatists', even by the mirwaiz's own family. It was publicly admitted to by the leader and former chairman of the separatist All-Party Hurriyat Conference (APHC)—which by then had come to be known as the Hurriyat—only twenty years after the tragic event. The mirwaiz was nothing short of a papal figure to his followers and his death led to overwhelming public outrage in Srinagar, where his adherents were most widespread. Jagmohan was advised by the state's chief secretary, R.K. Takkar, that he attend the funeral, or if this proved impossible because of concern for security, he send a senior representative with a bouquet from him to be placed on the mirwaiz's shroud. Jagmohan demurred, deciding that because the

mirwaiz had been critical of India and continued to question the state's accession to India, he would ignore the event. But he was unable to decide whether he should ban the funeral procession or allow it along a predetermined route.

The Governor's shifting instructions could not be conveyed to all security pickets along the procession's course. A police unit, under the impression that the march was illegal, opened fire. Twenty-seven mourners were reported killed, but actual figures may have been much more, with many in the procession marching into the firing line to be shot in the hope of attaining martyrdom.

This mishandling, by no means the last by the state's administration, turned the full fury of public rage against the Governor, and, indeed, against the Government of India. The state government claimed that the firing had been in response to firing from the crowd. Although in this case there might indeed have been such deliberate provocation, such claim, often put forward by security authorities seeking to justify unprovoked firing, carried little conviction. In this case, the crowd was marching in mourning.

An uproar in India's Parliament forced Governor Jagmohan's resignation on 25 May; his subsequent appointment to a government-nominated seat in India's Rajya Sabha, the upper house of Parliament, sent a telling message to the public. To this day, the Kashmiri public holds him responsible for the murder of the mirwaiz and of those in the funeral procession.[11]

Jagmohan was replaced by Girish Chandra (Gary) Saxena, a retired police officer whose distinguished career, mainly in intelligence services, had included acting as head of India's Research and Analysis Wing (RAW), India's premier agency in international espionage. Unlike Pakistan's ISI, however, the RAW, even though a highly secretive agency, has remained firmly under the control of the political leadership. Saxena left RAW to become security adviser to Prime Minister Rajiv Gandhi. As successor to Governor Jagmohan, relying heavily on intelligence and security services, Saxena sought to revitalize the failing civil administration and police force, with the aim of

restoring public confidence. But soon after his instatement as Governor, a series of events crippled his efforts to implement this objective. When he left office in 1993, little improvement was perceptible.

Upset with the repressive security measures that had led to civilian deaths and a pervasive atmosphere of violence in the Kashmir Valley—particularly the killings resulting from police firing on the unarmed mourners—137 senior officers of the state addressed a memorandum in late May 1990 to the UN Secretary-General, protesting the government's violation of human rights in Kashmir. A few days later, several officers of the IAS serving in the state submitted a memorandum to the Governor, criticizing Jagmohan's handling of the state's governance. The officers who petitioned the United Nations, all local and mostly Kashmiri, argued that because the state's malfunction had been under the direct rule of the President of India (of whom the Governor of an Indian state is constitutionally a representative), redress could be sought only from a third party. Besides, violation of human rights was of global concern; hence, the approach to the United Nations. The officers petitioning the Governor, on the other hand, were from the all-India services and had done so in the hope of finding a remedy for a destructive policy conceived and conducted by Governor Jagmohan without consultation with an otherwise seasoned bureaucracy. But the Indian media failed to distinguish between the memoranda thus making it appear that the entire bureaucracy had turned insubordinate.

Ever the police officer, Saxena saw both acts as breaches of discipline. He sought punitive action by transferring the participating officers to positions of reduced responsibility. This included the senior bureaucrat Ashok Jaitly, whom Farooq Abdullah had hoped to make his chief secretary—and did indeed do so upon his success in the Assembly elections of 1996—but who was now sent to serve in Delhi with the Union government. These actions brought on another prolonged strike of Kashmiri government employees, spanning seventy-two days from August to November 1990. The last vestige of the appearance of civil governance disintegrated. Although Saxena was able to reach a settlement with the employees' union, the episode disabled his administration. His concern for image even in the face of a stark reality had prevented address of justified civilian complaints.

Yet, several positive outcomes resulted from Saxena's first tour of duty. The curfew ended. Compensatory relief for loss of life or injury in collateral damage, earlier given only to the Pandit community, began to be paid out to Muslims. Reports of human rights violations, including a complaint of the army's mass rape of women in the border district of Kupwara, were investigated by the civil authority and remedial action was sought. But repression continued, as did resistance. Military and civil government installations were no more than armed camps in an ocean of violence.

I took over as divisional commissioner of Kashmir on 2 August 1990. On the night of 6 August, the Seventy-fifth Battalion of the BSF brutally murdered nine civilians in their homes in Mashali Mohalla; the victims included a child. We later learned that this crime, typical of a security force under siege, was in retaliation for BSF casualties in another part of Srinagar. I visited the homes of the victims as well as the medical institute, where Mehbooba—who had lost her husband, Bashir Ahmed Beg, and her youngest child, Aijaz, in the killing and was herself seriously injured—was admitted. I told the agitated families that I knew they would not accept monetary relief from the government. Nevertheless, if they felt the need, they were entitled to such relief and had but to ask me for it.

Several weeks later, when the government employees' strike was in full stride and I sat alone in my office in Amar Mahal, a former palace on the bank of the river Jhelum, Mehbooba visited me. She asked whether I had meant what I said about relief being available. Her husband's family had told her she was no longer entitled to any rights in her husband's home and should return to her father, leaving her surviving son with her husband's family. Mehbooba, a Kashmiri woman of immense dignity, told me that she was not prepared for what she considered the indignity of returning to her father's home, despite his willingness to house her, and so had sought refuge with her child in the local mosque. To earn her own living, she planned to open a shop and needed money to do so. I told her that having lost two members of her family and having herself suffered serious injury, she was entitled to Rs 2,50,000. But in view of the threat against accepting such compensation, I asked her if she was sure that she would take it. At the time, the writ of the militant organizations was that this relief was but a bribe which the Government

of India would offer to corrupt the Kashmiris; it must be disdained and on no account accepted by any self-respecting Kashmiri. Worse, if any did, he would be treated as traitor. She told me she had lost everything and the militants were welcome to whatever she had left. On hearing this, I signed and handed over the cheque to Mehbooba. Because the government offices were all on strike, her application needed none of the expensive and time-consuming 'processing' that the bureaucracy is wont to require.

I learnt afterwards that the militants had indeed approached her and she had, in fact, told them that she had nothing to rebuild her life with—if they could not help her, they should let her find succour where she could. The militants, all Kashmiris, immediately withdrew. The prospect of restitution opened the door for people to approach the commissioner's office for relief; the relief process became a tenuous thread that linked the government and the general public. Does Mehbooba know that she initiated the first hesitant steps towards the restoration of peace in Kashmir? I never met her again, but I can only hope that this woman of courage and determination has been able to find fulfilment as well as the self-respect she so craved.

The reaction to the alleged mass rape in Kunan–Poshpura is, on the other hand, an example of the government's scant credibility in the public eye, something of which persisted for years thereafter. In a letter to me of 7 March 1991, S.M. Yasin, deputy commissioner (DC) of Kupwara, a border district of Kashmir located on the LoC, north of Srinagar, reported that he had received a complaint that on the night of 23–24 February, a gang rape of twenty-three women had occurred in Kunan during a cordon-and-search operation by the Fourth Battalion of the Rajasthan Rifles of the Indian army. He visited the location on 5 March and his preliminary investigation had convinced him that a crime, of what I was to later describe in my own report as being one of monstrous proportion, had been committed. The police station of Trehgam proceeded to register an FIR, and an investigation had been initiated, with the first medical examination of the women on 16 March.

On being approached by the Director General of Police, the Corps Commander deputed the Commander of the 19 artillery brigade, Brigadier Sharma, to visit the village and report. The Brigadier made

some inquiries on 10 March, when he visited Kunan–Poshpura. He met the lumbardar or village headman Abdul Aziz Shah, the schoolteacher, the headmaster of the high school of Trehgam, himself from Poshpura, and about thirty women, aged between forty and fifty, and some in their thirties, but concluded that the report was false. The Brigadier's report, because it failed to even examine the substance of the statements made to him by the village women, let alone examine their veracity, was singularly unconvincing. 'It was snowing during that night,' concludes the Brigadier's report, 'each search party was headed by an officer and the CO [commanding officer] was personally supervising the ops [operations]. The Bde Cmdr [Brigade Commander] has also kept a close watch over the ops. During the search the tps [troops] are tense and apprehensive of sneak and sudden surprise attack from ANKs and are more concerned in saving cas [casualties] rather than indulging in such acts. Two days after the ops the villagers themselves got ANKs surrendered along with wpns [weapons].' But attached with this report was a statement obtained from the medical officer HQ 68 Mountain Brigade with a list of women from Kunan and Babagund villages who attended a medical camp organized as part of regular military outreach to local civilians, between 24 and 28 February, many of whom, as I was to mention in my own report on the incident, had names that corresponded to the names of complainants who were to appear before me. And because almost the whole village complained of having been victim, it must be presumed that at least some of them were among those who did attend the medical camp. And did they choose then not to complain to the doctor? And if this choice were from a feeling of shame and fear, what prompted them to complain to the deputy commissioner weeks later?

Because news of the incident brought public outrage and condemnation from the national and world media, and because the denials carried little conviction, I, in my capacity as head of civil authority, after a discussion with the Director General, Police and Corps Commander XV Corps and in follow up of the recommendation of the deputy commissioner that 'a team of officers be deputed to the concerned village to conduct enquiry', was sent to the snowbound village to establish the complaint's authenticity on 18 March. The two villages were at the time well away from any navigable road; after

driving as close as we could, I and the rest of my group with Lt Col Naeem Farooqui, of military intelligence, Tyagi, commandant 76 battalion BSF, and the DC and SP of Kupwara walked several miles before we were welcomed by the villagers. I have a list of statements by forty-one women who spoke to me of varying degrees of molestation, including rape, by soldiers. Among them was an elderly woman who showed me a ripped *feran* (an overgarment worn by men and women in Kashmir) which, she said, had been torn off her by the greedy soldiers. An unmarried girl of fifteen or sixteen complained that she had been assaulted once her little brother, whom she was caring for, was removed from their home. Another complainant was a deaf woman. Some women complained of rape by as many as seven men. One stated that she was pregnant at the time and afterwards gave birth to a child with a malformed arm. All of them were unanimous in saying that the soldiers carried bottles of liquor and that, while assaulting them, they accused the women of having connived with the militants. Some women said that when they threatened to complain, the soldiers told them that their officers had authorized them to commit rape. According to those who spoke to me, this exercise continued all night until well into the following morning. The village men had been asked to leave their houses to submit to questioning and had remained outside the village through the night. Although civilian policemen had accompanied the military party, they stayed with the village men, who suspected nothing amiss, because before this, the soldiers had always treated their women with respect.

Despite meeting the residents of the village and the alleged victims, I was unable to establish the veracity of the complaint. Twenty-three women were reported by Deputy Commissioner Yasin to have been raped, but when I visited the village the number had risen to thirty-nine, with those coming before me saying that there were many others who were too modest to press complaints. Private investigators had been told of fifty-three. If in each case rape had indeed been committed five to fifteen times as charged, that would have required a force of at least 300 men all hellishly invigorated. In fact, there were no more than 150 present in all. Many of the officers accompanied by troops were engaged with the men of the villages. And there was not a single accusation against even one of the officers.

I was mystified that if indeed such a major incident had occurred, when every house in the two villages was said to have been under such assault, why was no alarm raised at the time, and not even a complaint made when the commanding officer made a round of some houses of the villages with village elders before leaving?

I discussed the statements with the BSF unit in Watergam, which was responsible for that area. There were many reasons for doubt, but why such a complaint was made at all, and the undoubted anguish that I saw on the faces of many of the village women with whom I spoke, was hard to explain, particularly because both the military and the civilians said that their relations had been cooperative thus far. I found this intriguing; in my view then, there was sufficient cause for a more detailed investigation, so I reported to the Governor.

When the state government published my report, however, it deleted the entire paragraph in which I had asked why such a complaint was made at all and also recommended that since a case stood registered, although the medical examination was unlikely to be enlightening having been done so long after the incident, the level of investigation be upgraded to that of the superintendent of police, Kupwara. Commander 68 Brigade had offered to provide full cooperation. But my expression of misgivings was excised from the published report, giving a clean chit to the army. And although the army accepted all my recommendations on how future cordon-and-search operations might be conducted to avoid such complaints, the public saw my report as a blatant whitewash. This public indignation triggered an attack; a youth chased me, firing an AK-47 rifle as I visited the Jami Masjid in Srinagar to supervise arrangements for the upcoming Id prayers on 11 April 1991. As I clambered over a fence while fleeing my assailant, my security staff having disappeared altogether, I saw a bearded youth in a feran come up and take a firm hold of the boy chasing me. Through the still air, I distinctly heard him say the words in Kashmiri, 'What are you doing?' Years later, I learned that the man who rescued me by restraining the assailant—whom I had seen from the corner of my eye as I had glanced back to see my pursuer—was Mushtaq-ul Islam, the head of the Hizbullah militant group and son of a police inspector whom I had known well. For all I know, he may have been the one

who planned the incident, perhaps only intending that I be kidnapped, but the boy given the responsibility had got carried away. As I found my way up to the cul de sac in which the Jami Masjid is located, the shutter of a roadside store burst open and out poured my entire security. 'Where have you been?' I asked them. 'Waiting for you, sir,' was the ready response. And although I came to know Mushtaq's family well, attending his father's funeral at a time when he was still under detention, I have never met Mushtaq-ul Islam thereafter.

A senior Kashmiri police officer, DSP Ghulam Hassan Shawl, accompanying me to plan regulation of traffic for the forthcoming festival—who had taken the usual road from the mosque premises direct to the main road—was killed in the attack, as was a woman shopper in the local market, and many others were injured. Being a stranger to the premises I had, as it turned out fortunately for me, wandered onto a longer route to the road head. This incident led to an abrupt end to my first posting as divisional commissioner. Governor Saxena called to ask if I was prepared to accept higher security. I had always used, on my own insistence, security drawn from the Kashmir police. I was not prepared as head of the administration of the troubled valley, to accept security from national paramilitary forces. Upon my refusal, I was transferred to Delhi.

But the ghost of Kunan–Poshpura never died. Time and again it has surfaced as a cause unfinished. In a 24 February 2014 editorial, the *Indian Express* described the mass rape as 'part of a grim folklore in J&K'. Most recently, the then deputy commissioner, Yasin, has after many years spoken out on the unresolved issue. The first government official to visit the villages and record the testimonies of the victims in 1991, Yasin now says he was threatened and offered promotions, without clarifying by whom, to induce him to change his report. In his report to me as the divisional commissioner soon after the incident, Yasin had said he was 'ashamed to put in black and white' the brutalities that had taken place.

More than twenty-two years after the incident, a New Delhi think tank, the Centre for Policy Analysis, facilitated the visit of a team of senior civil society activists to Kunan–Poshpura from 14–16 June 2013 to assess the progress of justice and the grievances of the village. The team consisted of a number of eminent citizens from the field of social and political activism, and included Seema Mustafa, a journalist and

director of the centre; Sehba Farooqui, assistant secretary of the left wing All India Democratic Women's Association; Mohammad Salim, former member of Parliament of the CPI-M; Bhalchandra Kango, secretary, Communist Party of India from the state of Maharashtra; Harsh Mander, a leading human rights activist and former IAS member; Dr John Dayal, member, National Integration Council, journalist and also human rights activist; and E.N. Ram Mohan, retired director general, Border Security Force, who had served with me in Srinagar as IG BSF in my second stint as commissioner, Kashmir.

The team travelled to the villages from Kupwara along a single-lane road ravaged in the winter rains, reduced to rubble in stretches along the river. They found few, if any, civic facilities. A board announced a medical centre, but they were told by the villagers that no medical or paramedical staff ever comes there. The villagers also complained that all institutional facilities are either at Kupwara, or in the state capital, Srinagar, and so it has been forever. The CPA team interviewed around thirty-five men and thirty-five women of the village, ranging in age from eighteen to seventy years. They were farmers, students and unemployed youth. Among them were the two sarpanch, or panchayat heads, of Kunan and Poshpura.

The team made a number of recommendations, but came to the conclusion that, 'a section of the media, taking a cue from the security forces and the state government, has for two decades sought to project the Kunan–Poshpura crime as a conspiracy by militant groups to stigmatize the Indian armed forces. The state government, despite many of its officials and a judge calling for further investigations, has remained in a state of denial over the years, with successive political parties in power ignoring the pleas of the people. No chief minister has ever visited the twin villages.'

Two days after the return of the team from Kashmir, a local court ordered the reopening of the Kunan–Poshpura case. On 18 June 2013, Judicial Magistrate Kupwara J.A. Geelani, dismissed conclusions made by the police in their closure report on the mass rape incident, and returned the case file to the police, asking for further investigation to unravel the identity of the perpetrators.

In the ever-changing situation of internal security in India, it had become clear that the army was required to play a major role. During the years of Governor's rule in Jammu and Kashmir, generals were regularly appointed to man one or the other civilian position like Governor and adviser. Yet, over the years, the army had been trained primarily for national defence. Now the army had to determine its attitude towards its own people in a state of insurgency. Confusion is sure to arise during civil disobedience, when it is difficult to determine how to treat someone who is one's own countryman but is at the same time hostile. Is he to be looked on as misguided friend or outright foe? Is he to be dealt with militarily, or is he the responsibility of the civil authority? In 1993 the Indian Army was called upon to coordinate with the civil authority in Kashmir, in seeking the support of the public in a crisis of extraordinary public sensitivity.

As the political situation in Kashmir has evolved, the relationship between the civil administration and the military has become pivotal. The interest of both the civil administration and the military can be only to guarantee the security of fellow citizens. Yet, in matters of security, the civil administration has been reduced to playing a limited role. Why?

The legacy of civil–military relations in India is imposing. During the British Raj, the military's commander-in-chief was the principal instrument of governance; hence the location of the commander-in-chief's house (today's Teen Murti Bhavan) down a short highway from the viceregal lodge, which is today's presidential lodge, or Rashtrapati Bhavan. Upon Independence this became the official residence of India's first prime minister. As the democratic structure took root and the bureaucracy was charged with control of the economy and every aspect of development, the role of the military declined, spawning a rivalry that has often been unhealthy.

In today's India, the military is a major component of governance. Together with administrators—whether they are regarded as managers or simply bureaucrats—politicians and the judiciary, the security services are an indispensable, vital part of the governing edifice. Of all the security services, the military is primary. This became more pronounced with the onset and persistence of insurgencies and terrorism in Jammu and Kashmir.

My relationship with the military has always been cordial, though there have been disagreements; I have never felt fear or apprehension, or indeed even discomfort, in dealing with Indian military personnel—sometimes even in dangerous situations. I say this because only recently did I realize that this comfortable relationship arose not from any intrinsic skills but because of my singular background. My father, Enaith Habibullah, a major general in the Indian Army, set up the National Defence Academy in Khadakvasla in central India and was its commandant for six years (1954–60). I was brought up in the military and have regarded myself ever since as part of a larger military family. For much of my career, military officers handling key positions had either served under my father or been trained by him. A succession of service chiefs, beginning with Sunith Francis Rodrigues, who assumed office of chief of the army staff in 1990, and ending with Nirmal Chander Vij, who retired in 2005, had been cadets of my father. Even if they felt I had been errant, their attitude towards me tended to be tolerant, never hostile.

This relationship first came into play in my posting in the border district of Poonch in 1974. Every morning I would ride with Brigadier Ram Kishan in and around Poonch township, where his 120th Brigade and the district administration were headquartered, on horses of the Army Supply Corps. We would resolve all outstanding civil–military matters on horseback. It was here that I saw the effectiveness of a civil administration serving as a conduit between the army and the civilian population, which, however friendly, cannot, in a tense border area, be totally open or free, however amiable the armed military personnel.

An interesting experience illuminates how this relationship developed in the field. I was the first deputy commissioner since the war of 1947 to visit the villages located along what had been the ceasefire line and was now the LoC, across the Balakote Ridge, off Bhimbar Gali. One of the two motorable passes into Poonch from Rajouri district, and because of its key location, Bhimbar Gali served as a headquarters for the Ninety-third Brigade. As I walked along a trail by the village of Bharuti, my escort of military guards told me that we were too close to the LoC and should retreat. I insisted that I would inspect all the villages on the LoC that were under my

authority. The guards took the stand that they could not allow me to proceed. I responded that I had not sought their permission; because I was head of the administration, I would go where I pleased in my district and they had no authority to restrain me unless I abdicated that authority. They declared in response that they would not provide me with security. I told them I had not asked for security and that their presence was purely a courtesy extended by their brigade headquarters; they were welcome to withdraw. By now somewhat perplexed, they began communicating with the headquarters on the wireless. After much growling and crackling of static, my visit continued, with the guards by my side, exactly as I had planned. In this way, the authority of the civil administration was established up to and along the LoC.

In the meantime, the decimation of the JKLF, kingpin of the Valley's insurgency, continued. In April 1993 the chief ideologue of the JKLF, Dr Abdul Ahad Guru, was kidnapped and brutally murdered by the Hizb-ul-Mujahedeen militant Zulqarnain. Guru was a leading physician of Srinagar who had founded the Jhelum Valley College of Medical Sciences and was an office bearer of the state's premier medical institute, the Sher-i-Kashmir Medical Institute on the banks of the Aanchar Lake in Srinagar. Guru had commanded wide respect and presented a reasonable face of separatism. He was, therefore, an inconvenience to the police. He was also among the principal negotiators representing the militant organizations in their demand for release of hostages in a series of kidnappings: from Naheed Imtiaz, daughter of former Union forest and environment minister, Prof. Saifuddin Soz, in February 1991, to Doraiswami in August of that year. The police made an arrangement with the terrorist Zulqarnain, then in custody, who agreed to kill Guru in exchange for his release. But to ensure that this collusion remained secret, Zulqarnain was eliminated shortly thereafter. DGP B.S. Bedi trumpeted his death as a triumph for the security forces, which had killed a dangerous terrorist in an armed encounter. The truth was somewhat different. Instead of killing him in an armed encounter, the police stormed the home where, under the mistaken presumption that he was safe after having fulfilled his end of the bargain, Zulqarnain was consorting with a lady friend.

In March 1993 a conglomerate of separatist elements formed the APHC in an effort to harness discontent and channel it into

political agitation. The creation of the APHC was in fact an admission by the separatist political leadership that the course of violence was proving counterproductive, that all was not well with the insurgency. Abdul Majid Wani—father of Ashfaq Majid Wani, one of the instigators of the insurgency who led the JKLF till his violent end in a grenade blast in early 1990—who was the first to inform me of this development, acknowledged as much to me. Although the APHC's overall objective was azadi, the exact nature of that freedom was undefined. Because officially both India and Pakistan resisted the very concept—which is not even an option under UN resolutions—azadi remained undiscussed.

Meanwhile, those who had been interested in sustaining the insurgency not for any higher ideal than for the damage it was inflicting on India proceeded—with the encouragement of Pakistan's ISI—to infiltrate terrorists earlier engaged in Afghanistan into the state, to give leadership to the militancy as its local impulse flagged. The assassination of the mirwaiz and several years later of Abdul Ghani Lone in 2002—on the anniversary of the former assassination—was the handiwork of that very ISI, as asserted by Sajjad, the son of Abdul Ghani Lone. This was because both these leaders, although separatist in terms of challenging the validity of India's rule in Kashmir, were also willing to be accommodative of India's needs. With this infiltration, terrorist groups such as the Harkat ul-Ansar, Lashkar-e-Taiba, and Jaish-e-Mohammad committed more and more murder and rapine. And because neither the political leadership of the Indian state of Jammu and Kashmir nor the Government of India engaged the separatist leadership or the terrorists in political negotiation, public grievances, exacerbated by the human rights excesses, festered. This malaise in turn led to local support for the infiltrators or, at the very least, a sense of resignation resulting in the absence of any resistance. By 1994 the insurgency was replaced with a low-intensity war between India and Pakistan and widespread alienation among Kashmiris. And instrumental in this transformation was what happened at Hazratbal.

All these factors became manifest in the crisis at the shrine at Hazratbal. At the end of 1993 I was recalled from a posting in New Delhi to once more act as divisional commissioner in Kashmir. The commissioner, the top administrative authority in the division, oversees

the Kashmir Valley, the frontier valleys of Karnah, Tithwal, the valley of Gurez, straddling the LoC, and the two districts of the desert plateau of Ladakh. Foremost among my duties was to restore public confidence in the government in an atmosphere fraught with violence. My strategy was to convey to the disaffected citizens that the civil administration was their well-wisher, even their supporter. My response to assaults on religious places venerated by a traditional Muslim society would become a testing ground.

Sufi shrines have been the focus of worship in the Valley. Preserved in a mosque in Hazratbal, then on the outskirts of Srinagar, the mo-e-muqaddas is the most revered religious artefact in Kashmir.[12] In 1963 the relic disappeared; widespread disorder ensued. There was conjecture that the theft had been staged by Bakshi Ghulam Mohammed in an effort to destabilize Prime Minister Shamsuddin, who had replaced him as 'prime minister', as he was still designated, of the state.

The matter of the relic was resolved with Prime Minister Nehru having sent Union Home Minister Lal Bahadur Shastri to intercede between the Relic Action Committee and governments of both the state and the Centre. Slogans were raised at the successful resolution in support of Nehru, a rare enough occurrence at the time. However, the event had been a factor in seducing Pakistan's military ruler Ayub Khan to launch his ill-fated Operation Gibraltar, an unprovoked war on India in 1965 that found little local support, because Khan had misjudged the public mood in Kashmir.

Since its recovery a month later, the relic has been kept locked in a closely guarded sanctum, displayed from a balcony atop the single minaret to an adoring public on select days of celebration associated with the Prophet of Islam. These include the Prophet's birthday, Id-i-Milad, and the day commemorating the first revelation of the Qur'an, Shab-i-Miraj. The keys giving access to the relic are distributed among members of the management trust (*auqaf*) of the shrine so that the loss or theft of a single key—or of even more than one—will not compromise the security of the relic.

The subtle religious distinctions among the Muslims of the state of Jammu and Kashmir escape many otherwise learned commentators. When examining the ethno-religious diversity of the state, the tendency has been to group the entire Muslim community and its political and

religious aspirations into a single entity, recognizing only a difference of sect and language.[13] But there are also a host of practices and beliefs stemming from a diverse approach to spirituality, different and divergent Sufi silsilas or traditions. In discussing the trauma of the Kashmiri Pandits I have sought to examine how, in the late twentieth century, a deliberate and chilling effort was made to convert an ethnic movement into a religious crusade. Deep cleavages beset a once-cohesive Kashmiri society, lauded by Mahatma Gandhi at the height of the communal frenzy engulfing north India during Partition in 1947 as an isolated beacon of hope.

The siege of a holy shrine is so delicate an issue, so close to the core of a people's sensitivities that it often ends in unmitigated disaster. In June 1984 the Indian Army had laid siege to Harmandir Sahib in Amritsar. Parts of the shrine were destroyed and, in the eyes of many Indians, desecrated and defiled. In December 1992 a rampaging mob had demolished a historic mosque at Ayodhya in India's largest state, Uttar Pradesh. Riots, political assassinations and widespread hatred resulting from both these events engulfed India, straining its national fabric to its very seams.

Religious shrines vary in the degree of public reverence that they command. When militants occupy a shrine, the approach of the administration and security forces must be in accordance with the level of the shrine's reverence. The primary objective of the government when a shrine is under siege is the elimination of the forced occupation, whether by surrender or assault. In the case of a widely venerated shrine, the surrender of the intruders who claim to be its protectors, is the preferred option because it allows the adversaries to retain their dignity. Public opinion must be carefully nurtured to ensure that the public—often the target audience for militants—urges settlement, not confrontation.

In the early 1990s the persistent confrontation between government authority and a hostile population led to the abdication of administrative authority over every shrine and, indeed, even over many government institutions. By mid-1992, however, the government began to recover control. In February of that year, the military laid siege to the shrine at Hazratbal, which had become the bastion of the JKLF, as it had in happier times been the bastion of Sheikh Abdullah's National Conference. The siege was lifted in five days due to fear of possible repercussions, and the

occupants were given safe passage. But the JKLF quickly re-established control of the shrine. When the state needed to prove its authority, the most visible location for its assertion was the shrine at Hazratbal.

Governor Rao had set up a unified command in 1993 to ensure coordination in counter-insurgency operations. The command comprised all elements of the counter-insurgency establishment, and its decisions, to be taken after mutual consultation, were to be regarded as the final authority. The command included the state's chief secretary, its home secretary, the director general of the state police, the divisional commissioner of Kashmir, a representative of the corps commander of the Fifteenth Corps and the inspectors general of the BSF, the CRPF and the Kashmir police division.

In October 1993, after receiving a report that forty heavily armed militants had infiltrated the shrine at Hazratbal, endangering the relic and taking people in the shrine hostage, the command called a meeting. The army suggested that a siege be laid and on 15 October, two army battalions sealed access to the shrine.[14] Thus, from the beginning, decision-making during the siege of the shrine hinged on the acquiescence of the many parties that represented state authority.

The initial report was made by A.K. Suri, inspector general of police, Kashmir, who believed that a set of locks in the sanctum sanctorum housing the relic had been changed and that militants had occupied the shrine with the intent of stealing the relic. It later turned out that Suri's report was based on the word of a head constable, Ghulam Mohammed Shah, who belonged to a family adhering to the Jama'at-i-Islami, the party strongly supportive of Pakistan. Being of orthodox bent, the Jama'at has always considered the veneration of a relic of the Prophet heretical, even sacrilegious. Shah's report was perhaps deliberately exaggerated, leading to later speculation that the initial report, coming after a series of incidents of arson in holy shrines in Kashmir, was in fact a calculated provocation.[15]

With the benefit of hindsight, I suspect that the administration's haste in laying the siege was, in fact, deliberate. The objective was not only to protect the relic; the government was trying to regain control of the holiest shrine in a state imbued with Sufi mysticism.

On the morning of Saturday, 16 October 1993, a fire broke out at Hazratbal. The shrine was unscathed, but an adjunct temporary

structure, set up to house a women's prayer hall, burned to the ground. Was the fire ignited deliberately as a diversionary tactic—destroying a temporary structure without damaging the actual shrine—to send a warning to the government? That was indeed what the government suspected.[16]

Kashmiris saw it differently. A respected Kashmiri, retired after a life of service in senior positions in the Jammu and Kashmir government, writes that the governing body of the shrine 'received information that the wing of the shrine complex was set afire by the paramilitary forces, for they suspected that some militants might be hiding over there. The government, as usual, alleged that the militants were responsible for this fire. This was not the only incident in which religious buildings had been put on fire'.[17]

People residing in the neighbourhood of the shrine were at risk because of the possible confrontation between the besieged and the military that might result in widespread damage in such a densely inhabited area. About three thousand residents were ordered to evacuate their homes.

I went to the Regional Engineering College, adjacent to the Hazratbal neighbourhood, to appeal to college authorities for assistance for the evacuees. This is the college that was to become one of India's National Institutes of Technology, to the chairmanship of which I was to be appointed in 2004. I explained that the people were in no way at fault. In order to minimize the damage and allow these residents relative freedom of movement during the siege, when the immediate environs of the shrine would remain under constant curfew, it was the duty of the concerned citizenry to come to their assistance. In response to this appeal the administration got all the cooperation it needed. The college authorities identified a hostel block that was unoccupied, located some distance from the classroom buildings, and they promised to clean and ready the rooms for occupation. On the basis of this assurance, the military was given clearance to begin helping the residents move. True to their promise, the college authorities, most of whom were Kashmiris, treated evacuees with consideration despite the initial hostility of the evacuees.

The local residents understandably resented the shift. They considered it not an evacuation but forcible eviction. Initially, they were

herded together and forced to sit in the college grounds surrounded by armed soldiers with guns poised. The troops, none of whom was Kashmiri and who therefore were unfamiliar with the local tongue and attitudes, undoubtedly felt that the public was the hostile element they were required to control. However, on my explaining the circumstances of the evacuation to them, the troops soon understood that the evacuees were not militants but innocent civilians who needed protection. As the siege dragged on, the evacuees asked that they be allowed to visit their homes to ensure the safety of their belongings, which, in their hasty evacuation they had left unsecured. They were allowed to do so in small, easily escorted batches. With one exception, they returned to the college satisfied, carrying needed household accessories.

The one exception was a family who returned home to find that their chicken had been purloined. The army was quick to respond to the complaint, the thief was caught and punished and compensation was paid to the family. By the time I left the scene, relations between the residents, the college staff, the military and the government were trusting and even cordial. This was the initial effort at securing public support for the government's efforts, a theme that must underlie the process of moving towards resolving the issue of Kashmir. And the army has built on this experience to devise schemes to secure public understanding, notably in the beginning of Operation Sadbhavana in Ladakh, of which more will be described later.

At the shrine, the militants made the following demands:

- Lift the siege (this was later changed to lifting the curfew),
- Bring in public representatives to inspect the relic and attest that it had remained sacrosanct, and
- Allow all the militants to leave the shrine.

Maulvi Abbas Ansari, a supporter of Sheikh Abdullah and a principal leader of the Shia community and the newly formed APHC—which he would in 2003 serve as chair—volunteered to arrange evacuation of the militants if he could be given access to the shrine for two to three hours.

The unified command met under the Governor's chairmanship and decided that it could not accept these demands. The government would accept only complete surrender, holding out an assurance of a fair trial. On the evening of 15 October, I informed Ramu Damodaran, private

secretary to Prime Minister Rao, and Rajesh Pilot, Union minister of state for internal security, that I was confident of getting an agreement for clearing of the shrine, if I could guarantee safe passage out of the shrine for the militants, but that I would continue to negotiate for surrender. However, when I arrived at the shrine the next morning to negotiate with the militants, their negotiator told me that the militants would talk only in the presence of the press. I believed that negotiating in the full glare of publicity could result only in both the parties pressing points of view to glorify their own set positions, leaving them no room for flexibility or accommodation without appearing to stand down or surrender. To this I could not agree and there was no further discussion that morning.

Realizing that in an environment of public hostility, mediators must command the trust of both adversaries, I considered the possibility of using a public personality as an intermediary. This required careful thought. One mediator I called on was Abdul Majid Wani. Abdul Majid himself had steadfastly stood for a peaceful resolution of public grievances and had been a mover of the process for setting up the APHC with the ultimate objective to convert this into a political agitation rather than a violent insurgency. I also called on Maulvi Abbas Ansari, the Shia leader held in high esteem by the militant factions, who had been among the first to offer his services for mediation. Yet, because he was Shia, his stand could not be construed to have arisen out of Sunni extremism. The militants accepted these mediators and were willing to drop their demand that the curfew be lifted. A proposal was made to deliver food to the people in the shrine. The idea was to win the confidence of the militants, assuage their suspicions and keep them from demanding safe passage. Lieutenant General Zaki, adviser to the Governor and chair of the unified command, initially agreed to the proposal but afterwards withdrew from this position.

Two women were escorted to the shrine to plead with the militants to allow the children within the shrine to leave. (One of these women was Surayya Siddiqi, who settled in Canada and in 2004 became chair of the North America-based Jammu and Kashmir Peace Alliance of the Kashmiri diaspora, and whom I was to meet again in Washington DC in that year.) The militants refused their plea, however, claiming that the children were under no compulsion to stay and were unwilling

to leave until the siege was lifted. The militants were also not amenable to continued persuasion that they accept food from the government. They demanded only safe passage. They chastised Wani and accused him of having sold out to the government and they accused me of lying, because I had promised not to go to the press to report on their demands and our response until we had arrived at a conclusion. Their suspicion and consequent anger at me was provoked by my government colleagues' penchant for going to the press with perceived 'disclosures'. Eventually, however, the militants agreed to continue the dialogue through the intermediaries.

On the evening of 21 October, four days after food had first been offered, Union Home Minister S.B. Chavan called the Governor, asking him to concede the request for food. However, it seemed to me that the opportunity for a quick resolution had been lost.

In the meantime, tensions in the Valley began to mount. By the morning of 22 October, curfew was imposed in all towns in the Valley. The local press gathered in the town centre of Srinagar at noon to protest the siege and had to be persuaded to disperse. That afternoon the BSF fired on a demonstration in Fateh Kadal, killing four and injuring ten. Defying the curfew, 400 people marched down the main street of Bijbehara, a small town in Anantnag district, demanding that the siege be lifted. The BSF, which policed the town, panicked. In the resultant firing, twenty-eight people, including women and children, were killed and more than sixty were injured. The injuries and deaths resounded the world over, with photographs of the carnage splashed on the front page of the *Washington Post* and other newspapers.[18] For years thereafter, these photographs were used to illustrate 'Indian excesses' in Kashmir.

From my inquiries of local BSF personnel, a visit to local BSF headquarters and talking to the townspeople in Bijbehara—whence I had hastened on receiving reports of the incident and who were by then in mortal terror—I realized that the firing was entirely unprovoked. As was the case in the firing in the mirwaiz's funeral procession in 1990, the BSF authorities took the stand that armed persons in the crowd had opened fire and therefore the BSF's actions were defensive. This argument could not be corroborated. Indeed, I found no marks of bullets claimed to have been fired from within the crowd. In December

1993 the incipient National Human Rights Commission took *suo moto* cognizance of this case and found the BSF guilty; it asked that the offenders be dismissed from service and brought to trial. The soldiers were indeed court-martialled, but the results of that trial were kept 'confidential' out of respect for the morale of the BSF troops.[19] Many years later, in 2003, as I lectured a course on national security in the Lal Bahadur Shastri National Academy of Administration (LBSNAA)—India's apex training institution for civil servants, where I had devised a case study in a course on national security on my experience at Hazratbal—a young BSF participant argued that he had been informed about a BSF officer being killed in the firing, which had provoked the retaliation. This was a curious assertion since no such claim had been made at the time of the incident, or any casualty displayed, before me or any other authority.

The local residents of Hazratbal, upset at the shootings at Fateh Kadal and Bijbehara, asked that they be allowed to approach the shrine and try to persuade the militants to leave. They realized that the army meant them no harm and indeed were not enemies. Their greatest wish was that the siege be lifted so that they could go back to a normal existence. They were now convinced that the militants would achieve nothing more than prolonging tensions. The welfare of the local people was presumably of concern to the militants, who had proclaimed themselves 'freedom fighters'.

Negotiations on issues of security usually take place in the context of an adversarial, even antagonistic, relationship[20] and the negotiations at Hazratbal had these characteristics. They were protracted and difficult, marked by mutual distrust and contained elements of false rather than genuine bargaining. Turning points in such negotiations most often result from external events.[21] The firing at Bijbehara, tragic as it was, proved to be just such an event, changing public opinion of the issue at Hazratbal. And because the militants were members of that public and not foreign mercenaries or campaigners, they were not impervious to that opinion.

When I spoke to the militants in Hazratbal in the aftermath of Bijbehara, I was pleasantly surprised to realize that their attitude had softened considerably. The havoc at Bijbehara and my public statement that we were prepared to investigate the causes,[22] together with the

appeal of the local residents, had convinced the militants of the folly and potential risks of continuing the confrontation. They agreed to accept the food that the government had offered and to allow medical facilities to be provided to those inside the shrine. They informed me that thirty-two people were sick, mostly from malnutrition.

Lunch was brought to the shrine on 24 October 1993. The army asked that the food be served to all occupants on the veranda, so that they might see and identify them and also determine their number. However, the militants sent three civilians to take the food in. When I asked that everyone come out to eat, the militants responded that they would not accept the food under such a condition. I allowed the civilians to carry the food inside. Brigadier Kanwar, who was housed in the picket outside the entrance, called out, '*Khana andar nahi jayega!*' (The food will not go in!) I tried to explain that even if we had to compromise a little, the main aim was to have the inmates accept food from us. Although the brigadier said nothing further, the army's top command publicly criticized the manner of serving the food. There clearly were conflicting views within the establishment. The Union home minister called the Governor and then Zaki, asking that I not embarrass him further. I therefore called Prime Minister Rao, who, after listening to my explanation, advised me to persist in my effort towards resolution. Rajesh Pilot, the Union minister of state for internal security called and asked that we lift the siege and allow the inmates to leave. He said he would take this up with the prime minister.

A settlement with the militants was reached on 2 November. Everyone in the shrine would be allowed to leave. The militants would surrender their weapons and be taken into custody, debriefed (or interrogated) and released quickly thereafter. The next morning, the Governor and the entire high command of the administration, many of whom were against the proposed resolution, met and endorsed the settlement. Lieutenant General Zaki asked me to accompany him to his residence before I went to the shrine, so that we might discuss details of the forthcoming action. On the way, a military truck rammed our car, injuring Zaki and almost killing me, thus delaying implementation of the proposed settlement because of the public's suspicions that the crash was no accident.[23] And although the shrine was eventually vacated on 16 November under terms similar to those

agreed to, when Maulvi Abbas called on me a few months later, he was bitter. He declared that the then state Home Secretary Mahmood-ur-Rehman had reneged on the agreement and held the militants for longer than agreed. Others, however, aver that during their detention the militants were treated like VIPs.[24]

As for me, a subsequent inquiry ordered by the army found the incident to have been an accident. Zaki informed me years after of the sequence of events. It seems that I was looking towards him in deep conversation, when he noticed the truck looming in the window behind my head. When he exclaimed in alarm, I began to turn my head, but before I could look around the truck had struck from the very side that I sat. To this day Kashmiris believe that this was a deliberate attempt to eliminate me because I was too friendly with the Kashmiris. There have been even more ominous conspiracy theories hinting that the target was General Zaki, with whose style of functioning the military was dissatisfied, but about whom, he being a retired General, appointed an adviser to the Governor by the government of India, the military could do nothing. In the event, the General escaped with broken ribs, but I suffered skull fracture with damage to my optic nerve, a punctured lung, a broken arm and shattered hip. The All India Institute of Medical Sciences in New Delhi successfully put my bones together—I often describe myself as a man of steel for the number of steel rods that have kept my legs straight and vigorous—but a three-year treatment in the US was needed to help me recover from a serious Post Traumatic Stress Disorder, a psychiatric affliction that was to claim a host of victims in Kashmir through the insurgency and years thereafter.

In *The Lost Rebellion*, Manoj Joshi claims that the siege was a psy-ops drama staged to delude opponents into believing that the government was at odds internally, with a 'good guy' to ask for help and a 'bad guy' to be feared.[25] If that was true, it was unknown to me, supposedly the 'good guy'. In fact, the public reaction to my accident on 4 November was that this was a deliberate attempt on my life, which was a result of my resistance to following a hard line.[26] There had in fact been deep differences in the Governor's meeting on the adoption of my recommendations. Although because of my subsequent skull fracture, I have no recollection of the meeting, my wife Shahila, who was with

me in Srinagar throughout my tour of duty, tells me I had called her before the meeting to say that I feared that my suggestions would be rejected; and if that happened, I would resign from my position in the existing (state) government. Mahmood-ur-Rehman confirmed that I had taken such a decision in my conversation with him as we drove to the meeting. In that meeting, he tells me, I was handed a letter, details of which he scarcely remembers. The letter was addressed to the militants in the shrine by the ISI asking them to surrender, and I was asked to hand it to them. As I lay in the military hospital on the verge of death—in the view of Brig. Paul, head of the military hospital, a death from which I had no hope of escape—Governor Rao visited the hospital in consternation, but with the sole concern of recovering the letter. Notwithstanding these differences, I agree with Sumit Ganguly that the Governor and his civil and military advisers were mostly in accord.[27] This had much to do with the support that I had received from Prime Minister Rao.

The shrine emerged unscathed, free from even the suspicion of any desecration. Today it is again the hub of pilgrimage and worship for all Kashmiris. Even though there have been mutterings that the government's approach was 'namby-pamby'[28] and that the 'siege had started by accident and been ended by a face-saving deal',[29] the successful conclusion of the negotiation is widely perceived as a turning point in the insurgency. All the militants surrendered and the local leaders of the insurgency realized the wastefulness of a violent movement and the disruption of the lives of those it sought to serve. Of the militants who surrendered on 16 November, not one returned to violence to achieve his ends, though all indeed persist in their political opposition to the state. Not one life was lost in the area under siege and public confidence, which had been at its lowest ebb when the siege began, showed signs of renewal. Prem Shankar Jha, a leading columnist, reported during the siege:

> [Hard-liners'] fulminations cannot change the fact that the offer of food and medicines, the refusal to enter the mosque, and the overt concern for the safety of the relic shown by the Government, and the willingness of the divisional commissioner to accept insult and invectives as he tried to reach out to the militants, have gone a long way to reassure the

ordinary Kashmiris that despite all that has happened in the last four years, the Government is not an oppressor by choice.[30]

Vital to the successful conclusion of Hazratbal was the attitude of the Kashmiris, hostile to begin with, willing to cooperate when convinced of the state's intentions, and finally trusting. Because the government demonstrated that means other than violent repression are possible in dealing with insurgency,[31] its various stakeholders, including the military, initiated concerted efforts across the state to reach out to the public.

This was the glimmer of hope I had referred to in describing the trajectory of violence in the state's descent into chaos, though this was to prove transitory because of a blow soon to be inflicted at Charar-e-Sharief. Nevertheless, since Hazratbal, large numbers of Kashmiri youth, particularly the educated and politically vocal, withdrew their support of violence as a means of seeking redress and turned instead to political agitation. Released from jail in May 1994, Yasin Malik, chair of the JKLF, announced a unilateral ceasefire.

There was increasing recognition that resolution of issues concerning Kashmir lay only through dialogue. What was still not agreed on, however, was what form that dialogue should take, who may or may not participate and what the subject would be. Kashmir's intellectual leadership, including the local press, shifted from encouraging revolt to urging dialogue. In July 1994, agitating against the continued military presence at Hazratbal, Yasin Malik and his supporters staged a dharna at the shrine patterned on the Gandhian form of satyagraha. Government responded by removing the security picket that had remained stationed at the shrine. Speaking in Islamabad in January 2006, Mirwaiz Omar Farooq, chairman of the moderate wing of the APHC and son of the assassinated mirwaiz, called for a complete cessation of violence in the Kashmiris' pursuit of their rights and for all to rely on dialogue. The wheel had come full circle; this trend owed much to the direction set by the resolution of the siege at Hazratbal.[32]

Unfortunately, this positive trend received a setback by events that occurred at Charar-e-Sharief, where India's security forces laid siege on 8 March 1995, after receiving information about the presence of foreign terrorists in the township and its environs.

Charar-e-Sharief is located near Shopian, in the district of Budgam in south Kashmir and straddles the ancient route through which the imperial Mughal caravan brought India's Mughal emperors from their capital, Agra or Delhi, to their summer retreat in the Valley. It is a shrine dedicated to the fourteenth-century saint Sheikh Nooruddin Wali of the Kubrawi school of Sufis, known to his devotees, among whom are also Hindus, as Nund Rishi, Nund Reoyush, or Sahazanand. The Sheikh himself was of local origin, from what is today Kishtwar in the district of Doda, his father having become a Muslim. Although Sheikh Nooruddin founded no separate school of Sufi thought, his followers are adherents of the Rishi school, of which he considered himself the seventh, beginning with the Prophet of Islam himself.[33] Sheikh Nooruddin Wali's tradition is a cornerstone of a network of Sufi spiritual tradition in Kashmir. A devout Muslim, his avowed mentor was the Saivite saint-poetess Lalleswari (1335–85), known to Kashmiris as Lal Ded (Grandmother Lalla), who had nursed him in his infancy, and was the linchpin in the merging of Kashmir's Saivite mystical tradition with its Sufi ambience.[34] Many Sufis came under criticism from the orthodox clergy because of their mission to reconcile the Saivite traditions of Kashmiri Hinduism with the new faith. The premier symbol of that confluence is the shrine at Charar-e-Sharief.

The siege at Charar-e-Sharief was assigned entirely to security forces rather than a broader governmental effort. Only a weak attempt was made to identify different interest groups, most notably the village residents, and no attempt, tacit or overt, was made to seek their support. No local residents were asked to mediate. No effort was made to contest the foreign agencies involved in sullying the attempted rapport. There was little participation of even the civil administration, let alone the general public.

On the day of the Muslim Festival of Id, 10 May 1995, the exquisitely crafted walnut wood shrine, among the most revered of Kashmir's holy places, was burned to the ground, together with its wealth of rare literature, including religious texts that dated to the fourteenth century.

Security forces were already deployed in the area to respond to reports of widespread infiltration by militants. The inferno engulfed almost the entire township where the shrine was located, save the neighbourhood that goes by the name of Chan Mohalla. Twenty-three lives were lost, and although attempts were made to pass the dead off as terrorists, they were eventually all identified as local residents.

The entire township was placed under siege, spurring a disorganized exodus of most residents. Junior-level police officers were asked to handle negotiations, which were conducted through loudspeakers and telephone calls rather than through personal contact. Though the leader of the militants, Mast Gul, declared his readiness to negotiate with a civil authority,[35] acceptance of any compromise by him would surely have resulted in his losing face and, given the growing resentment of the local residents, a loss of control over the hapless town.

Mast Gul and his militants escaped to Pakistan, where they were feted as war heroes, leading processions in major cities, celebrating the 'victory' of Charar-e-Sharief. Because the militants escaped, their number is undetermined; all that is known is they were not Kashmiris.

Because the government did not seek public involvement at Charar-e-Sharief, public sympathy went to the militants. Even today if a resident of Charar-e-Sharief is asked who set the shrine afire, he or she will—while telling you how aghast he was at the scant regard the militants showed to the shrine by actually smoking within its precincts—declare that the army was responsible.[36] Mirwaiz Omar Farooq declared in his Friday sermon of 10 March at the Jami Masjid that the siege was part of a government strategy to target places of worship.

The object of the entire siege had been to eliminate the militants. It was prolonged because of the government's and, indeed, the army's concern for the shrine. On 11 March Lieutenant General J.S. Dhillon, commander of the Fifteenth Corps, declared in a press briefing that there had been no intention on the army's part to storm the shrine. One need not be privy to secrets to know that the army would not have resorted to an attack on the shrine to corner the militants. In fact, the confusion wrought by that fire was probably what provided Mast Gul and his cohorts the cover they needed to make good their escape.

What caused the fire is still uncertain. We do know that the BSF had used flares to light up the environs of Charar-e-Sharief to prevent

escape under cover of darkness. Was the fire the result of a flare landing on the wooden shrine, which, given the low regard the terrorists had for the shrine, was perhaps used to house explosives? It is also likely that there was a good deal of to and fro of militants from within the shrine. Another view is that the fusillade was so intense that it ignited the shrine. In either case, communication by the civil authorities with the militants could have ensured that no such accident took place. But there was no communication. A flare or fusillade ignited the explosives, and precarious public support, which had been so assiduously sought, went up in flames. Alienation was once more complete. Although the shrine has been rebuilt in stone and plaster, covered with woodwork in an effort to emulate lost glories, the incineration symbolized the passing of an era.

There is much to criticize in India's handling of Kashmir, exacerbated by incendiaries hoping to strike at the heart of India's concept of its own nationhood.[37] Fortunately, the siege of Hazratbal made the public more cautious in ensuring the security of its places of worship. There have been many events other than the one at Charar-e-Sharief where the security forces have had to take strong action against groups seeking refuge in mosques. Military response in these cases has been complicated by the conviction of the infiltrating terrorists that they must never surrender. Granting safe passage, resorted to on occasion, can only result in the terrorists roaming scot-free—obviously not a desirable solution. Hazratbal showed that trusting negotiation could achieve results; Charar-e-Sharief showed that the fight for Kashmir was turning into a war led by international terrorists. And many of those who were part of the negotiating process at Hazratbal committed themselves to seeking resolution through dialogue.[38]

5

AT THE CROSSROADS

I want to live forever. What else can I say?
It rains as I write this. Mad heart be brave
—AGHA SHAHID ALI, 'THE COUNTRY WITHOUT A POST OFFICE'

Rajmohan Gandhi, grandson of the Mahatma and chairman of the Centre for Dialogue and Reconciliation (CDR), an NGO that has been working consistently to heal the wounded psyche of Kashmiris, said at a Kashmir Peace Conference in Washington DC in 2003:

> A fog of anger and disappointment has successfully hidden what once was a vision shared by quite a few on the subcontinent. In this vision, Kashmir, with an earlier history of a calm, tolerant Islam interacting constructively with a calm and tolerant Hinduism stood as a site of hope at the head of the subcontinent. Can something of that vision be restored, despite the sadness of recent years?[1]

Despite peacemakers' best efforts, for which Prime Minister Narasimha Rao's 'Burkina Faso Declaration' (1995)—part menace and part olive branch—sought to set the tone, the clouds of war between India and Pakistan had lowered once again in the 1990s. With violence a daily occurrence thereafter, both India and Pakistan sought real dialogue at Islamabad's SAARC [South Asian Association for Regional

Cooperation] Summit in 2004. This happened perhaps for the first time since the early 1960s, when Prime Minister Nehru and President Ayub Khan of Pakistan—urged on by US Assistant Secretary of State for Far Eastern Affairs Averell Harriman and UK's Minister of Commonwealth Relations Duncan Sandys in the wake of India's China debacle—had announced in November 1962 their agreement to renew their effort to resolve outstanding differences between the two countries. But in 1963 the talks between the then foreign ministers, India's Sardar Swaran Singh and Pakistan's Zulfikar Ali Bhutto had ended with each side accusing the other of duplicity and worse.

The thaw of 2004 surprised many as the tone moved by degrees from cynical to merely sceptical and then to hopeful—only to be dashed by the terrorist outrage of 26 November 2008 in Mumbai, which has gone down in history as 26/11, killing 173 people and wounding at least 308, both Indian and foreign. But this change in the relationship between India and Pakistan has to be seen in the context of the evolution of Muslim religious thought within Kashmir. It is impossible to make sense of these changes without first recognizing a vitally important but seldom mentioned undercurrent involving the two principal trends of India's Islam. One is catholic and inclusive, while the other is puritanical and exclusive. Being aware of this subtext, one may better understand the events discussed in this chapter and indeed the chaos that beset the Valley in June 2010.

Islam in Kashmir was faced with a choice that fructified by the violent summer of 2010. On one side was the inclusive tradition of convergence and growth, characterized by Kashmir's own religious evolution. On the other side was the pan-Islamic tradition gaining ground among Muslims across the world—the retreat into exclusivism in the belief that insularity will protect and purify. That philosophy underpinned the thinking leading to the partition of India—a road that Kashmir had decisively refused to take in 1947. What road will Kashmiris choose today?

The institution of the mirwaiz in Kashmir is to be seen in this context. The mirwaiz, a position akin to a high priest, is essentially a Kashmiri concept. Nowhere else among Muslim communities across the world does such an institution exist. But the mirwaiz is not merely a religious leader; since the late nineteenth century, the mirwaiz has

also been a political force. Appointment to the office is theoretically consensual but in practice has been hereditary for the past century. Twelfth in a six-hundred-year lineage, the present mirwaiz, Omar Farooq, was anointed when he was seventeen, following the assassination of his father, Mirwaiz Mohammed Farooq, in May 1990.

In 1905 the mirwaiz of Kashmir, Maulvi Rasool Shah, founded the Anjuman-i-Nusrat-ul-Islam in Srinagar to improve the education of Kashmir's Muslims and ensure the dissemination of a pristine Islamic doctrine. Mohammed Yusuf Shah, who became mirwaiz in March 1931, was a patron of the young Sheikh Mohammed Abdullah, himself a schoolmaster with a postgraduate degree in chemistry from Aligarh Muslim University and a man of rising prominence on Kashmir's political scene. Both served terms in the maharaja's prisons. In 1932 they helped found the All Jammu and Kashmir Muslim Conference, which became the main platform for opposition to the maharaja. By mid-1932, the conference was divided by an active, sometimes violent political rivalry between supporters of Sheikh Abdullah, who became known as the *sher*, or lions, and the *bakre*, or goats (after the beards sported by their supporting clergy), followers of Mirwaiz Mohammed Yusuf Shah. In 1939 the Muslim Conference was formally dissolved. It was replaced by the Jammu and Kashmir National Conference, a body more concerned with social and political issues, such as land reform, than with matters of theology. In 1941 Maulvi Yusuf Shah, with other conservatives, revived the Muslim Conference, of which he became founding president. In 1946 Sheikh Abdullah's National Conference launched the 'quit Kashmir' movement. Mirwaiz Yusuf Shah opposed the movement against the maharaja and finally supported accession to Pakistan, to which country, at India's Independence, he was exiled; the Muslim Conference was banned in the area administered by India. Twice president of Pakistan-administered Kashmir, where he died in 1968, Maulvi Yusuf Shah never returned to Srinagar, retaining the position of mirwaiz until the end.

The Awami Action Committee was the political arm of the more orthodox element of Kashmir's Islam. It was founded in 1963 by Mirwaiz Mohammed Farooq, father of the present mirwaiz and nephew and successor of Yusuf Shah, in direct consequence of the Hazratbal crisis of 1963. However, it is against the backdrop of the

failing insurgency in the 1990s that we can trace the rise of what is generally termed the Wahabi school. The juxtaposition and prominence of the inclusive Sufi tradition and the relatively orthodox doctrine of the mirwaiz camouflaged a disturbing trend that, by 2003, had set into Kashmiri Muslim thinking. This trend was the rise of the Ahl-i-Hadeeth, or Wahabi, school of Islamic theology. The school, originating in eighteenth-century Arabia as a defensive reaction to perceived European assaults on Arab tradition, had developed a following all over India, but until the 1970s the movement had reached only the Jammu region of Kashmir, most notably the mountainous region straddling the LoC in what are today the districts of Poonch and Rajouri. But by the close of the twentieth century, a number of new mosques had sprung up in and around Srinagar as well as in smaller towns. According to the local press on 24 January 2004, there were ninety-four Jamia Ahl-i-Hadeeth (JAH) mosques in Srinagar alone. This number had grown in the state to 660 by 2010.

As any visitor to Kashmir will notice, many of these are not built in the local architectural tradition, which even the imperial Mughals had respected. Of that tradition Srinagar's Jami Masjid is the finest example—the structure has a single central spire, reminiscent of the Buddhist *gumpa* of the Himalayan region. The new mosques are designed with domes (or imitation domes) and minarets in what has become the standard 'Muslim' design across the subcontinent. In that way they convey their own message of pan-Islamism. These mosques are spacious, well appointed, and inevitably more convenient to a larger neighbourhood congregation than the more humble, now often dingy mosques constructed in earlier years in the local tradition. The Ahl-i-Hadeeth mosques, and the madrasas that are usually attached to them, receive their endowments from Saudi Arabia, where the Wahabi school is the ruling theology.

The Wahabi school is today a respected school of Islam with a worldwide following. The Salafis, as the adherents of this school are termed, call for no confrontation, yet, being puritanical, the group lends itself to being suborned by extremists. Although it has developed only a limited following in Kashmir, it continues to expand because of its superior facilities. The dominant school of thought within the movement, by the first decade of the twenty-first century, sought to

distance the school from politics, espousing a gentler theology. But there continued to be a countermovement from within, which sought to impose upon the grouping a more radical agenda. And because it is not perceived as a threat by established authority, this emergence has not been addressed by the state, nor has its impact on the tattered social fabric of the state been studied.

Kashmir's once-vibrant Sufi tradition weakened since the civil breakdown of 1989 and the more conservative yet eclectic school led by the mirwaiz continues to command a larger following than the more staid Wahabi, particularly in Srinagar. Yet, because of his connection with the separatist movement, the mirwaiz has been subjected to state harassment. In contrast, as the year 2009 drew to a close, the separatist leadership, which I argue was by then increasingly separatist only in perception, had become alive to the issue. Large sections of the Ahl-i-Hadeeth had begun to rally behind the more secular leadership of the political opposition, while protesting the way the latter had distanced itself from any manner of political commitment. This resulted in an attempt in 2009 on the life of Maulana Showkat Ahmad Shah, president, JAH, suspected to have been made by extremists supporting Jama'at-i-Islami. He was eventually assassinated in April 2011, as he entered the local mosque at Maisuma Bazar to lead the Friday congregation. However, the radical strand of the JAH asserted itself in a widespread agitation in 2010 that cost over a hundred lives, mostly children. Was this then the birth of a new era in Kashmiri religious thought? Because emotions, politics and world view are so inextricably bound to religion in Kashmir, much about the region's future will be determined as its Muslims choose between these paths.

On 4 November 1995, Indian prime minister Narasimha Rao, approaching the close of his term, addressed the nation and, specifically, the people of Jammu and Kashmir, in a live telecast from the West African nation of Burkina Faso, where he was on tour:

> From a long distance away from home, I am addressing an appeal through this statement, to the people of Jammu and Kashmir, at a time

which could well turn their destiny once again in a glorious manner, so as to make that lovely land a peer to paradise, Jannat-i-Nishaani, it has been called for centuries. I sincerely feel that the people of the state deserve this. It is long overdue.

Terrorism and militancy have subjected the people of Kashmir to unprecedented sufferings during the last six years. The people have faced untold violence resulting in death and destruction. Thousands of families have been uprooted from their hearths and homes. This virtual proxy war has been unleashed from across the border in complete disregard of international law, good-neighbourly relations and all canons of decency and human behaviour. Persistent attempts are being made to create anarchic conditions in the state and to keep the turmoil going, thus aggravating the miseries of the common people in a variety of ways.

The state of Jammu and Kashmir and its people are an integral part of the diverse mosaic of India. We cannot therefore be mute spectators to their sufferings; they have suffered too long already. We express our resolve to bring back normalcy in the state, to wipe the tears from every eye.[2]

In that address, Prime Minister Rao announced a plan that has come to be known as the Burkina Faso Declaration, spelling out a credible framework for resolution, with these principal features:

- No abrogation of Article 370 of the Indian Constitution, which confers a special status on Jammu and Kashmir, allowing the state its own constitution.
- Autonomy within the framework of the Indian Constitution, including change of nomenclature of Governor to sadar-i-riyasat and chief minister to wazir-i-azam. (This change, it will be recalled, had not been accepted in the Indira–Sheikh Accord of 1975, because of ramifications for sovereignty.)
- Political and economic packages for the state.
- No partition of the state (into its regions of Kashmir, Jammu and Ladakh).
- Although rejecting reversion to the constitutional status of 1953, when Sheikh Abdullah was overthrown, the Indira–Sheikh Accord of 1975 should be the benchmark for any future settlement. The Central government imposes no person or party on the state.

This package was received in Kashmir as a rehash of the Indian position, with concessions only in semantics. It was addressed primarily to the sullen National Conference party, to induce it to return to active political participation in elections to the State Assembly. Responding to the changing attitudes of a Kashmiri public beset with a rising disillusionment with Pakistan, Rao's government was determined to move towards restoration of democracy in the state. In this he had to overcome much discouragement from within the government's intelligence services. The support of the National Conference, still the only political party in Kashmir at the time with widespread appeal and a field cadre of political workers, was essential. But the declaration was not the result of any dialogue or negotiation, as earlier compacts between the Central government and the state leadership had been. Although the National Conference was its principal target, the declaration failed to win over even that party, which sought a commitment on restoration of the constitutional status of 1953—an alternative specifically ruled out by the declaration. Small wonder, then, that the declaration had no impact and was looked on by Kashmiris as a mere sop. Yet, it was the first indication after the outbreak of the insurgency that the Indian government was prepared to look favourably at a changing relationship between the Union of India and the state of Jammu and Kashmir.

The Burkina Faso Declaration marked the beginning of restoration of a democratic process in Jammu and Kashmir. The parliamentary elections of May 1996, which Rao's Congress party lost at the national level, were boycotted even by the state's dominant National Conference because the Burkina Faso Declaration rejected the National Conference's demand for a consideration of the restoration of the state's 1953 status in the Indian Union. These elections were followed by State Assembly elections, also in 1996, in which the National Conference participated after receiving commitments from the new coalition government at Delhi; the National Conference won fifty-nine seats in the eighty-seven-member legislature. Farooq Abdullah and the National Conference were elected on the campaign platform of greater autonomy. Although the credibility of these elections was questioned because of the sparse public turnout in Kashmir,[3] they marked an

effort to restore to the people of the state a sense of participation in their own government.

As I have said, the Burkina Faso Declaration was the first public effort by an Indian prime minister, after the onset of insurgency in 1989, to review the relationship between the people of Kashmir and the rest of India. Some efforts at opening political channels of communication with the separatist leadership had been attempted by Prime Minister Chandrashekhar in his short-lived government of early 1991, urged by former prime minister Rajiv Gandhi, whose Congress party was then in support, albeit from outside, of Chandrashekhar's coalition. Rajesh Pilot, India's minister of state in Rao's government, had also visited Jammu and Kashmir repeatedly in the early 1990s in an attempt to build channels of communication with the separatist leaders. But he got little support from within the government and was hamstrung by internal rivalries, opposition within and without, and obstructions. His achievements, therefore, amounted to little more than helping to negotiate the release of hostages kidnapped by militants from time to time in exchange for their comrades imprisoned by the government. With the return of popular government to Jammu and Kashmir in the election of October 1996, the relationship was again addressed, this time from within the state.

The new government appointed a State Autonomy Committee in November 1996 to recommend measures for restoring internal autonomy to the state. The chairman of the committee was the last of the former ruling Dogra dynasty, Karan Singh. But because of its decidedly partisan composition, dominated by nominees of the ruling National Conference, and inability to reach out to all sections of the Kashmiri political leadership, let alone to the public, the committee was hobbled from the start, leading to Singh's resignation in August 1997 before the committee could decide on any recommendations. When I asked him what had prompted his resignation, Dr Singh told me that the committee's report was being moulded to read like a party manifesto and that wide discussion, including with separatist elements, had not only been discouraged but been prevented. Balraj Puri, a highly respected intellectual and writer from Jammu and a persistent crusader for the concept of local self-government for Jammu

and Kashmir, who had been appointed chair of a subcommittee set up to examine autonomy for different regions within the state, was summarily dismissed from the committee.

The committee's final report of March 2000 was anything but exhaustive. Revivalist in nature, it took no account of developments since 1953, entirely ignoring the Indira–Sheikh Accord, which the Burkina Faso Declaration had made benchmark. The chapter on internal autonomy, claiming to be recommendations, was no more than an introductory note on the subject by Balraj Puri. The report carried no imprimatur of public endorsement.

The report was opposed by the opposition in the State Assembly but pushed through by the government's majority, and the Jammu and Kashmir Assembly adopted the deeply flawed report in June 2000. The State Assembly resolved that 'the Union government and the state government take positive and effective steps for implementation of the State Autonomy Committee (SAC) report'. In a nearly two-hour-long speech, Chief Minister Farooq Abdullah said hatred had led to the partition of India and created a separate state of Pakistan. 'Don't push us to the wall. We won't push you to the wall,' he told the opposition, constituted primarily of Jammu-based parties, including the BJP that refused to countenance greater autonomy for the state, advocating instead a closer integration with the rest of India. He said, 'We are not anti-Indian as we have proved our credentials time and again.' Abdullah claimed that the Centre would respect the long-standing urging of the state and remove the mistrust created by erosion in the state's special status. Winding up proceedings, the chief minister said the 'adoption of the report was a leap forward towards realization of our goal of greater autonomy'. He strongly denied that his party was against dialogue with the APHC and said, 'Let them talk to Pakistan or anyone else.'

Shortly after passage in the State Assembly, the resolution was rejected out of hand by the National Democratic Alliance (NDA) government ruling at the Centre, of which the National Conference was supposed to be part.

Because the report was so summarily rejected by the Union government, Abdullah accused elements in Delhi of engineering trouble and a disinformation campaign. He said his party did not make

hollow promises and reiterated that it would steer the state from disaster. He said that during the 1996 elections, the Centre had assured him of restoration of autonomy. 'Autonomy was the main plank of my party,' he said. 'The people of Kashmir were frightened in 1996 [and] feared to align themselves with pro-India forces.'[4] But because Abdullah's party was in alliance with the Union government—which alliance survived, notwithstanding the outright rebuff—Abdullah's dramatics were seen as little more than political posturing, deepening the mistrust that Abdullah claimed the autonomy resolution was designed to remedy. An opportunity to reach out to the public was squandered.

In 1997 Prime Minister Gujral had offered to discuss relations, including Kashmir, with Pakistan. The following year, Prime Minister Vajpayee, who journeyed to Lahore, inaugurating a bus service between Delhi and Lahore, renewed this offer. In early 1999 the Lahore Declaration put Kashmir on the agenda for discussion between the two countries. But in May 1999 the Third Battalion of India's Punjab Regiment sighted Pakistanis on a ridge, on the Indian side of the LoC in Batalik, overlooking Kargil, the northernmost town of the state of Jammu and Kashmir. Kargil, a Shia-majority township is located strategically on what was for a time the only road connecting Ladakh to Kashmir, the road through the 11,580-foot-high Zoji La Pass through the lofty Himalayas. Pakistani efforts to depict this intrusion as a continuation of the disturbances in the rest of Kashmir, and the infiltrators as 'insurgents', quickly lost credibility. Pakistani soldiers disguised as civilians were killed and the bodies not even acknowledged by Pakistan's government, except when exposed by the Indian Army. Kargil soon became a potential front for war between India and Pakistan.

The Indian Army had ignored reports of a military build-up by Pakistan sighted by local Gujars, whose grazing ground for their goats traverses mountain meadows scattered amidst the towering peaks of the Himalayas, ranged around the valley of Kashmir. This determined ignorance was a repeat of the same military complacency that had dismissed reports of large-scale infiltration by Pakistani regulars along the ceasefire line in 1965, which had led to outright war. In the case of Kargil, an incursion had seemed unlikely because, as part of an unwritten understanding, troops from both sides used to withdraw in

the winter from the unliveable heights where commanding military posts are located, and also because the Ladakh region had hitherto been free of militancy.

Because of the Indian Army's decisive military response to the infiltrators, this Pakistani adventure also failed. This defeat was made more bitter for Pakistan by US President Bill Clinton's refusal to intercede at the request of Prime Minister Nawaz Sharif of Pakistan, who had hastened willy-nilly to Washington to meet the President without so much as receiving an appointment.[5] That refusal was also an acknowledgement of India's restraint, despite much internal pressure, in not carrying the war into Pakistan or Pakistan-administered territory in adherence to Prime Minister Vajpayee's direction that the Line of Control be respected—possibly given under assurance from those engaged with the Pakistani leadership.

Although the situation in Kargil demolished India's incipient rapprochement with Pakistan, the Vajpayee government turned to establishing direct communication with the separatist Kashmiri leadership. The separatist leadership had engaged constructively with the administration in bringing a peaceful resolution to the crisis in Hazratbal in 1993, but little effort had been made to build on that relationship. The leadership, although united behind the APHC, had thus far been looked upon by India's establishment as no more than surrogates of Pakistan. The Vajpayee government had already begun a determined effort at outreach. In March 1999 R.K. Mishra, an eminent leftist intellectual and the former editor of *Patriot*, a leading leftist newspaper, became Prime Minister Vajpayee's point man for back-channel talks with Niaz Naik, Pakistan's former foreign secretary and Prime Minister Sharif's emissary.[6] When this effort foundered on the bloody reef of Kargil, Mishra focused on engaging the separatist leadership in Kashmir. Outside the glare of media publicity, Mishra was able to establish communication with the separatist leadership because they believed he was fully backed by the prime minister's office.

The separatists asked that they be given the opportunity to travel to Pakistan to speak with the leadership there. This opportunity in turn would allow them to establish mutually satisfactory parameters for a settlement with the Indian leadership, after which they would again consult Pakistan on further steps needed for resolution. This effort

could build on nascent efforts at track-two diplomacy; the peacemaking process up to this point had involved many participants, including retired defence personnel and journalists, with good intent but little effect. The prospect of track-two diplomacy was viewed with alarm by the Indian intelligence services, which had thus far had a free hand in engaging the separatists and laying down the parameters of the government's Kashmir policy. Any visit to Pakistan by Kashmiri leaders was looked upon as dangerously compromising India's position in Kashmir and encouraging secession. For this reason, passports were denied to the separatist leadership. Separatists were allowed to travel abroad only occasionally for special needs such as medical treatment and even this concession was extended grudgingly and only after intense persuasion.

In early 2000, at the behest of Avtar Singh (Bubbles) Dulat, adviser in Prime Minister Vajpayee's office, I spoke extensively to each of the separatist leaders. At the time, my official position was head of the state's Lakes and Waterways Development Authority, but because of my relations with separatist leaders, developed during the years of their repeated incarcerations, and cemented with the negotiation at Hazratbal in 1993, I was often called upon to play the role of unofficial negotiator. I had in fact been asked to engage with the separatists by Bubbles Dulat, then with India's Intelligence Bureau, when I served as secretary in the Rajiv Gandhi Foundation (1991–93). I met the separatists, including Abdul Ghani Lone, Syed Ali Shah Geelani, Shabbir Shah, Professor A.G. Bhat and Yasin Malik—who had spent the longest period in custody—at various times when they were held in arrest, in and around Delhi. And so a comfortable relationship had developed over the years.

I met with Syed Ali Shah Geelani, then chairman of the APHC; Mirwaiz Omar Farooq, the first chairman of the APHC; Professor A.G. Bhat, a former professor who had taught at Sopore Degree College, who would take over the APHC chair from Geelani in 2000; Maulvi Abbas Ansari, the Shia cleric who was to be the last chairman of a unified APHC when it broke in 2003; and Javed Mir, who had gone by the name of Javed Nalka and was a dreaded militant at the time the entire JKLF leadership was incarcerated. He had continued in the leadership of the JKLF, a party whose relationship with the APHC has remained—as it was then—ambivalent. Among other questions,

I asked that if they were prepared to attempt to settle issues through talks with the Government of India, what was to be Pakistan's input, and whether Pakistan's input mattered. They were unanimous in their view that there was no alternative to a dialogue; only Geelani expressed doubts about the government's sincerity in seeking a resolution. Geelani believed that custodial killings had continued unabated and had in fact increased. He said that innocent Kashmiris of a certain height and strong build were passed off as Afghans and infiltrators and were being murdered. In his view, the threat of infiltration was grossly exaggerated to create an excuse for allowing excesses by the security forces. Bhat, on the other hand, explained that though the constitution of the APHC calls for settlement in terms of UN resolutions or by negotiation, talks must have a defined purpose, necessary to the interest of peace and stability in South Asia.

There were differing views on Pakistan's role, but everyone agreed that there could be no resolution independent of Pakistan. Thus, even though the promise of resolution in Kashmir had seemed so close, independently of Pakistan's participation in the 1970s, it was now clear that Pakistan was linked to any prospect of resolution because the entire separatist leadership, if it was to be associated with the process, would have it no other way.

The separatist leaders were similar in their urge for resolution by dialogue. Their attitudes were shared by the bulk of the Kashmiri populace. Dissatisfaction with the status quo prevailed. There was a yearning for dialogue but also for self-respect. But there were no clearly defined parameters among the separatist leadership regarding what might be discussed, or even the dimensions of the autonomy sought, with the exception of Ali Shah Geelani, who broke with the APHC in 2003 to form an increasingly belligerent splinter group, cashing in on the cleavages within Pakistan's political leadership on the issue of Kashmir. These cleavages stemmed from the rivalry between elements represented by President Musharraf, who sought to cut loose from the tutelage of extremists in matters concerning Kashmir, and elements that believed in opposing any shift from established Pakistan policy and sought to activate their carefully cultivated resources inside Kashmir to derail any such move. Geelani, who had long looked upon settlement with India as nothing short of capitulation, remained

the most strident opponent of compromise. Geelani, whose affable demeanour has masked a rigid ideology and who was to emerge as the supreme icon of agitators in the summer of 2010, has always believed that Kashmir's best interest lay with Pakistan. Although in his early years he had contested and won elections in Sopore, by the opening of the twenty-first century—afflicted with ill health that has made survival a struggle—his attitudes became ever more impenetrable.

Syed Ali Shah Geelani has always been a man of much dignity. He has, however, remained committed to the idea that Muslims must live under what he perceives to be a Muslim state. In discussions with me in the early 1990s, seated comfortably under a quilt in the home of a mutual friend, he argued that when a Muslim state had been carved out of India in 1947, with the ready consent of India's political leadership, reason demanded that Muslim-majority Jammu and Kashmir be part of Pakistan. But, battling cancer in his later years, he repeatedly declares that he would never go down in history as the Sheikh had—who in his view had sold his principles for the purchase of power. Geelani could make so bold at the time because of substantial support within Pakistan, even though Musharraf increasingly distanced himself from support to him.

Other than Mishra's initiatives, there was little movement in the situation in 2000. Because the Indian home ministry includes a department of Kashmir affairs, Home Minister L.K. Advani viewed the overtures made by the prime minister's office as an infringement of his own ministry's mandate. In April 2001 the vice chairman of the Planning Commission, K.C. Pant—a senior politician from a leading political family, whose father Gobind Ballabh Pant of the Congress party had been independent India's first chief minister of UP, her most populous state—was appointed the government's official interlocutor and Mishra was sidelined. But Pant was able to establish a relationship with only one of the separatist leaders.[7] Shabbir Shah, leader of the Jammu and Kashmir Democratic Freedom Party (which had initially been part of the APHC, but left it by 2002), received Pant at his home in Srinagar in April and agreed to meet him again. Shah later withdrew the offer because, as he asserted in conversations with me, he believed Pant was unable to act independently and could make no commitments—or could not deliver on any that he did make.

Never again thereafter did Shabbir Shah make an effort to revert to dialogue with India. Nor was this leader, once called by the separatists the Mandela of Kashmir, ever again in a position to do so. With a diminishing support base, by 2008 Shabbir had been reduced to just another of the Pakistani ISI's operatives in Kashmir.

In December 2001 a terrorist attack on India's Parliament led to mobilization of the armed forces, and dialogue on Kashmir receded in the face of Operation Parakram. According to Lieutenant General (retired) V.K. Sood and Pravin Sawhney, Operation Parakram was initiated with the intention of waging a full-scale war to support India's offensive action in J&K; explained in two simple steps: the government first gave the go-ahead to the military to cross the LoC with multiple thrusts to occupy territory in PoK, and thereby inhibit infiltration. As a senior serving general put it, the aim was to inflict on Pakistan a hundred cuts rather than one amputation.[8]

The Indian Army began to mobilize in January 2002; Pakistan responded in kind. The success of this operation, which persisted until October 2002 and then was withdrawn without military engagement, has been questioned.[9] The Indian political leadership failed to give clear written directives to the armed forces on what they were expected to achieve. War was avoided, but the situation was further confused. And superseding the Mishra initiative with the appointment of Pant only subverted whatever progress had been attained.

In July 2001 a revived attempt at dialogue with Pakistan in Agra had failed. In a bid to win the separatists back to his flagging effort at outreach, in April 2003 Prime Minister Vajpayee, speaking in Srinagar, turned once more to the internal Kashmiri leadership, inviting all with grievances within Kashmir to a dialogue with the government. He declared, with poetic resonance long recalled by Kashmiris, that a resolution must be found on grounds of *insaniyat*, or humanity.

A new interlocutor was appointed. N.N. Vohra, former home secretary to the Government of India—he had been Union home secretary during the 1993 siege at Hazratbal and was to be appointed Governor of J&K in 2008—was to be the point man, and the prime minister declared in this speech that the separatist leadership could expect an invitation to meet with him. Yet, confusion at the highest levels of government persisted and Vohra received no mandate from

the home ministry to initiate dialogue with the APHC. The Hurriyat leadership waited in vain for the promised invitation; when no such invitation arrived, the credibility of Prime Minister Vajpayee, which had—sweeping through the romance of his elocution—been high among the separatists at the time of his earlier moves towards resolution, stood tarnished.

Elections to the State Assembly were held in October 2002 as scheduled. No party was barred from the contest. Given the questionable authenticity of earlier elections and its own objection to accepting India's Constitution, the APHC stayed away. The sitting government was, for the first time in the state's history, unseated through an electoral defeat. These are incontestable facts, not mere claims or opinions. Yet, any claim to democratic governance would remain in question, what with heavy infiltration of terrorists from across the LoC and violence endemic in all parts of the state, together with heavy deployment of security forces.

Citizens, few of whom belonged to the security forces, felt as if they were living in an occupied territory, living with doubts, suspicions and fear of settlement of scores between organizations and individuals using 'security interest' as an excuse. Despite the army's efforts after the Hazratbal episode to reach out to the people by providing schools and medical services, human rights continued to be a casualty because of a misplaced 'security interest'. Among a people characterized until recently by non-violence—which the pessimistic had contemptuously dismissed as mere cowardice—violence became an accepted fact of life for a generation raised in an environment infused with bloodshed. The brutal murder of the state's minister for education in his own residence in Srinagar's high-security Tulsi Bagh neighbourhood in October 2005, coinciding with the cataclysmic earthquake that struck the state that month and made headlines across the world, created hardly a ripple in Srinagar, which went about business as usual. Violence had become commonplace. And so, despite restoration of democratic rule, at least since 2002, with different groups jousting for dominance in the countryside, using their influence with politicians unsure of

their public support, with the police and the security services to bully and cajole and, if necessary, suppress even the mildest assertion of an interest considered contrary to that of the local kharpainch, this lurking violence asserted itself repeatedly in 2008 and even more disastrously in 2010.

Until each citizen can live free from fear, democracy can only be notional, no matter how elections are conducted or who participates. The people of Jammu and Kashmir, like any other people, aspire to a peaceful, healthy life for themselves and their children. The situation in the state at the close of 2005 had seen gross abuse of human rights both by security forces and by the foreign-based militant organizations, whose leadership, drawn from the cadre of international terrorists, cared little for the people whom they were purportedly there to help. Remedies were available within the system, but the mechanisms were too often found wanting. The situation of the Kashmiri Pandit community illustrates this fatal shortcoming. The community, which numbered more than 1,20,000 at the opening of the 1980s, was by 2005 reduced to a tiny minority of about 7,000 in the Kashmir Valley, from where the community sprang. I have described in chapter 4 the diminution of the numbers of the community in Kashmir from 1990 to 2008, how the exodus ensued due to a calculated and cynical effort to convert a movement fuelled by public disaffection on civil issues into a religious insurrection. Investigations in May 2003 by CDR revealed how vulnerable this community remaining in the Valley had become at the time and the miserable conditions under which it survived. Its voice was not heard in Delhi, because its leadership could not speak openly due to the community's perception of threat. Pandit migrants in Jammu, Delhi and elsewhere assertively and skilfully articulated their own demands, but the needs of those left in the Valley did not feature in this rhetoric. Several of the most vociferous of that émigré leadership were not even aware, until late 2004, of the numbers of Pandits who continued to live in the Valley.

There had been talk of the return of Kashmiri 'migrants' to their homes in the Valley since the elected government took office in the state in 1996. Leaders of the separatist movement, such as Mirwaiz Omar Farooq and Shabbir Shah repeatedly called for the return of Kashmiri migrants. But now, every time the issue was raised at the

national level, Kashmiri Pandits in the Valley were massacred, causing the issue to be dropped. To my mind, talk of the migrants' return was then and continues to be pointless unless those left in the Valley are made physically and economically secure. By 2003 the community was scattered in 270 neighbourhoods in towns and villages of the Valley. Community members summoned the courage to form an NGO, the Hindu Welfare Society, which attempted to document information regarding the location and requirements of the community. In September that year, senior government and Congress party leaders, including L.K. Advani, then the deputy prime minister, met with members of the Hindu Welfare Society. This society had successfully discouraged the exodus of Pandits from the Valley after the massacre of twenty-three innocent Pandits in the village of Nadimarg earlier that year. A similar massacre in the village of Wandhama in 1998 had resulted in the migration of 10,000 Pandits. The demands of the Valley's Pandits at the time were simple: residence in a secure locality and jobs for 500 men and women. They did not complain of hostility from the Muslim public—in fact, they were grateful for Muslim support, the principal, and perhaps only, reason for their continued determination to stay, apart from the need to earn a living.

But Kashmiri Pandits complained about the indifference of government officials well into 2005. By that time, the chief secretary of the state Vijay Bakaya, himself a Pandit, was willing to lend them a patient ear. But most of the state administration remained unresponsive. Even after the disclosure of the involvement of local policemen and security lapses by the governing administration, and the replacement of the state's DGP A.K. Suri, no substantive action was taken that might have helped restore a sense of security to the Kashmiri Pandits in the Valley.

An even more distressing issue was the frequency with which individuals of the Kashmiri Muslim community, considered upright citizens, were dying in custody. Public resentment grew each time a person perceived to be innocent was injured or killed in custody. On a visit to Srinagar in June 2003 I received contradictory reports on the matter of custodial deaths. Before my arrival, former Governor Saxena had told me that the situation had decidedly improved. In Srinagar, Taj Mohiuddin, the state's minister for consumer affairs and

public distribution, gave me a similar assessment, saying that Lieutenant General Patankar of the Fifteenth Corps, the principal military formation in the Valley, was both accessible and cooperative. The view of middle-level Kashmiri bureaucrats, however, was that security forces were cooperative only in the cities and that the situation in the rural areas had not improved and may even have deteriorated. Reliable members of the local press supported this view. Some people I spoke with felt that the atmosphere appeared to have relaxed in the cities only because the public was inured to violence.

Of particular concern was the situation in 2005 in the village of Poshnar in the Chhatergul area of Acchabal (Anantnag district). A militant was shot in a neighbouring village and the army regiment, the Rashtriya Rifles, decided with no substantive proof that the militant's weapon was hidden in Poshnar. Twelve local men were arrested and badly beaten and several local women were asked to report to the nearby army encampment, where, they said, they were forcibly offered liquor and harassed. No weapon was found, but the harassment continued and the village remained in a state of siege. Also, shortly before this, an imam and his son were killed by the army at Pattan, supposedly because they refused to stop their vehicle when asked by the military. Local witnesses stated that the two died in custody. By September there was general agreement, even within government, that the situation was fragile. The authorities were seen as untrustworthy.

In an environment of terrorism, it is not always possible to establish guilt. To be an effective instrument of law enforcement, members of the armed forces must remain protected from mischievous or frivolous complaints. In Kashmir since 1995, the local police have increasingly resumed responsibility for maintenance of law and order. My 1991 inquiry into the complaint of mass rape in the villages of Kunan–Poshpura has been described in chapter 3. I had no doubt found the complaint exaggerated, but not necessarily unfounded, and called for further inquiry. I mentioned in my report that the village headman, or lumbardar, had given a certificate of good behaviour to the troops departing from Kunan–Poshpura, though the lumbardar told me that he had not known of the alleged crimes against the women. My report concluded, 'While the veracity of the complaint is highly doubtful, it still needs to be determined why such a complaint was made at all. The

people of the village are simple folk and by the Army's own admission have been generally helpful and even careful of security of the Army's officers . . . Unlike Brig. Sharma I found many of the village women genuinely angry . . . It is recommended that the level of investigation be upgraded to that of a gazetted police officer.' Because of the widespread media attention that resulted from the report and protests by Justice Bahauddin (a Kashmiri and former judge of the High Court of Jammu and Kashmir), the report was investigated in July 1991 by the Press Council of India, led by the redoubtable journalist B.G. Verghese.

The Verghese Committee, appointed in an effort at damage control rather than because of any sincere interest in reaching the truth, concluded that the complaint was 'invented'.[10] The committee reported that Abdul Ghani, a resident of the village and member of the police escort of 4 Rajasthan Rifles in the cordon and search, had told them that 'screams and cries rent the air' throughout the night. He was reported to have gone back to investigate at the instance of an officer. But despite being told by agitated women 'tang kiya', 'save my child', 'mar diya', he 'did nothing, said nothing, reported nothing'.[11] I have wondered if this was an attempt to address the question in my report as to why no alarm was raised at the time, and not even a complaint made when the commanding officer made a round of some houses of the Kunan–Poshpura with village elders. The Committee, however, found this statement incredible.

George Verghese's report ultimately concluded that 'unless far better evidence is forthcoming the Kunan rape story stands totally unproven and completely untrue, a dirty trick to frame the army and get it to lay off Kunan Poshpura'. This effectively ended any further pursuit of the investigation and led to an abiding resentment among the villagers in the area, particularly women. The lack of an effective way to redress their grievances continued to blight the lives of the women of Kunan–Poshpura, well into the twenty-first century, with many failing to find husbands. Was there a resonance of Kunan–Poshpura in Poshnar? But the case study clearly enunciates the dilemma faced by any sincere administrator, in addressing the issues haunting the lives of the Kashmiris in the emotionally surcharged atmosphere of the times.

Even though the protection of human rights is institutionalized at both the state and national levels, this mechanism's effectiveness in

ensuring that the public receives protection is questionable. This is where the role of the civil administration becomes critical. The LBSNAA was commissioned by the National Human Rights Commission in 2004 to conduct a study in Jammu and Kashmir to determine the role of the civil administration in ensuring the protection of human rights.

The report was undertaken on Chief Minister Farooq Abdullah's assurance that such a report would be useful to his government in strengthening the machinery for an effective response to public grievances. A questionnaire was designed to seek the views of all major stakeholders, including the public, the police and the civil administration. The study was revealing in many respects, not least the sharp variance in the attitudes of the stakeholders. Whereas the police saw themselves as effective enforcers of law and security, this view was not shared even by the civil administration. Similarly, there were contradictory views on the civil administration's effectiveness in rehabilitation measures. Strikingly, the public acknowledged that in an environment of violence, collateral damage was inevitable. They expected not that such damage should not happen, but that they be allowed to judge for themselves whether the action taken which led to such damage was warranted. For this, trust was needed. In the end, trust has been the biggest casualty of this entire decade.

The authority of the questionnaire was undermined by the unwillingness of some of those canvassed to respond. When they did respond, they were not confident of immunity should they voice opinions unacceptable or contrary to those of the 'authorities'. And so, despite the chief minister's assurances, the level of response to the questionnaire was not encouraging. The study indicated that there was an increase in the public awareness of the state Human Rights Commission, resulting in the commission receiving more complaints. The commission had been set up in 1997 under the Jammu and Kashmir Protection of Human Rights Act. Starting with fifty-one complaints in 1997–98, the Human Rights Commission had received 474 in 2001–02. Some complaints had been filed by separatist organizations, otherwise averse to employing the existing constitutional framework. Yet, the commission had been rendered ineffective because it was starved of funding or simply ignored, even though its annual reports were placed before the state legislature as demanded by law.

And in the final upshot, Jammu and Kashmir emerges not as a part of a flourishing democracy, but rather a state groaning under the heel of an authoritarian regime.

Although neutral observers, including human rights groups like Human Rights Watch,[12] have reported human rights abuse by Pakistan-sponsored terrorists and militants—including the kidnapping of foreign tourists in 1994—neutral opinions were not sought as part of the Lal Bahadur Shastri Academy's study. This does not mean that abuse by Pakistan-sponsored elements is not one of pressing urgency. As experience has shown and reports affirm, civilians have been the principal victims of the indiscriminate use of weapons, including explosive devices, by terrorist groups, many of them based in Pakistan. Although some quarters imply a relationship between terrorist organizations operating in the state and the al-Qaeda—insinuations ostensibly made to curry US favour—these allegations have not been taken seriously. In December 2006 the home secretary of India, V.K. Duggal, announced with confidence that al-Qaeda had no presence in India. However, overwhelming evidence indicated that the movement was sustained by organizations such as the Lashkar-e-Taiba and Jaish-e-Mohammed, whose operating base lay in Pakistan.

By September 2003 there was a resurgence of terrorist activity; the Greenway Hotel on Maulana Azad Road, Srinagar's main street, was attacked on 3 September. Four people were killed in the ensuing gun battle, including former militant-turned-local-politician and journalist Javed Shah, his bodyguard and a civilian, and the entire hotel was burned down. This was on the opening day of a conference of twenty-eight chief ministers of India's states. The Government of India had called the meeting to flaunt the perceived restoration of normality in Srinagar. The assault sent a clear message that India's claims of peace in Kashmir were ill-founded and was also intended to show that elements who chose to desert the 'movement' could not hope to escape.

Through 2003 the scenario continued to be one of abiding gloom. On 14 September a former *tehsildar* named Ghai called on me in Delhi. He had served in Haveli, district headquarters of the border district of Poonch in the Jammu Division. Ghai informed me that the breakdown of civil government in Poonch was almost complete. The Bafliaz–Behramgala Valley in Poonch, which lies on the picturesque

route that the imperial Mughal cavalcades traversed on the way to Kashmir, was outside the control of the civil administration. Surankot, the main township on its periphery, through which the road to the district headquarters passed, was an isolated government bastion. Dera Gali, the principal mountain pass accessing Poonch district from the neighbouring Rajouri, the only other motorable access point after Bhimbar Gali, which housed a brigade HQ, was too dangerous to be used by civilian traffic. There had indeed been reports of civilian officers, including a judge, having been murdered while driving into Poonch district through this picturesque pass, abounding in fields of cosmos flowers. Although the Poonch Valley was relatively secure, the smaller Mendhar Valley was in turmoil and subject to heavy infiltration. The military was a law unto itself, unanswerable to civil authority.

The next day I heard from Mumtaz, a Muslim of Rajput stock, from Sakhi Maidan of Mendhar. He told me that although he occasionally visited his home, it was now a dangerous place to live in. The area had been infiltrated from Sagra, a valley leading down from Pakistan-administered Jammu and Kashmir across the Bharuti–Dharati ridge, with villages that I had helped repopulate in the 1970s. This was especially significant because the difficult terrain of the razor-like ridge line had earlier made it a preferred infiltration route. Residents of Balakot, a border township lying across the ridge line, exposed to Pakistan-administered Kashmir, through which the LoC had passed, had been relocated to tents, with no plans for more permanent quarters. Mendhar had an administration in name only. In Srinagar it was rumoured that the Poonch–Rajouri area was on the verge of insurrection and sliding into anarchy.

But it was in this environment of gloom that, despite outbreaks of civil unrest, India's civil society began to come to terms with Kashmir's tragedy. During 23–27 September 2003, CDR conducted the first Peace Education–Conflict Management workshop in collaboration with the state Directorate of Education. Twenty-three high-school teachers attended the meeting in Anantnag, including four participants

from the minority Sikh and Kashmiri Pandit communities. Most participants were in their mid-thirties to early forties.[13]

The venue, the offices of the District Institute of Education and Training (DIET), was the fortified local base of the BSF, an unlikely place to hold such a workshop. Entering the premises each morning was something of an ordeal. Nevertheless, the participants, local Kashmiri teachers from schools, colleges and from a teacher-training college, who had been trained how to employ peace education, were committed to attending the workshop. The government's district education officer, as well as the staff at the DIET, attended every session.

Initially some participants were cynical about the workshop and expected it to be another routine, insipid programme organized by the state's education department; others were curious and had very high expectations. One participant remarked, 'We come across conflict in our daily life and would like to learn how to face this.' With mistrust pervasive in Kashmiri society, a few attendees were deeply suspicious of the motives behind the workshop and suspected that the organizers had a hidden political agenda. At least one participant expected the workshop to be an activity aimed at using the teachers as government tools to project a mirage of tranquillity in the disturbed Valley.

By the end of the workshop, however, all participants agreed that the workshop and the ideas it espoused for peace education had been useful. They responded to the concept put forward on the last day: 'teachers for social responsibility'. The teachers from the two minority groups were keen participants. One of these was Ratan Lal,[14] whose wife had been murdered in a killing of Kashmiri Pandits in December 2000. As the other participants learned of his background, they treated him with deep sensitivity. On the last day, when the theme was prejudice and discrimination, the discussion assumed a stark reality. 'Unfortunately, here in Kashmir, a wide chasm has opened between the two communities,' said a participant. 'This chasm has stopped all communication between us. We want to bridge this chasm, but do not know how.' A teacher asserted, 'Whenever we went to Pandit homes our movements were confined to certain rooms. We were not allowed in some parts of the house. We ate in their homes, but they never ate in ours. But the younger generation is different. Older generations were more rigid.'

The Pandits' initial response was a deafening silence. When specifically asked about what they thought of the discussion, one said, 'We do not eat in their homes because they eat beef.' Kashmiri Muslims, in fact, generally avoid beef, perhaps a result of the ban from the days of Dogra rule. It was pointed out to the Pandit participants that Muslims are known to show great consideration towards Pandits and cook separately for them in wedding feasts or other gatherings. Some Pandits retorted that nevertheless the same 'tainted' pots were used in cooking. Participants suggested that if the two communities could eschew such suspicions towards each other, they could be cordial to each other. This conversation represents but one aspect of the complex relationship between the majority and minority communities in Kashmir, one people separated by convention and prejudice.

Several times during the workshop, participants sought to address the issue of forgiveness. On the last day, time was devoted to this subject in the context of the prevailing local situation. The discussion revolved around whether forgiveness was desirable or, indeed, even possible. Was revenge desirable? What of its long-term consequences? The organizers found this discussion pivotal and, in their view, it was the most animated and meaningful discussion of the entire workshop. At first, some participants held that forgiveness was not possible when excesses and injustices of such enormity had been experienced in Kashmir. Several quotations on forgiveness and the treatment of an enemy were cited from the Qur'an. In the end, there was consensus that forgiveness is desirable but does not come easily. On the subject of the desirability of revenge as a motive in the present world, one participant suggested that when there was killing, revenge must be accepted. The discussion was brought to a close by the determined view of another participant, which proved definitive: 'If we wish to end the bloodshed in the world, and particularly in our Valley, revenge can have no place in our lives. We must inculcate in our children the spirit of forgiveness, never revenge.' The participants suggested that this be the theme for another module for a future peace education course.

Participants were given the opportunity to present their opinions and listen to what others had to say. One teacher said that the five-day training had helped him handle conflict without losing his temper with his own son. Ratan Lal had been struggling with guilt regarding

his children. He told the organizers, 'When my children grow up and ask me, "Why did you not migrate with the rest in 1990?" how will I answer them?' This guilt had made him impatient and irritable. On the last day, he said, 'I have decided to show patience, be a good listener to my children and not to lose my temper.'

Several teachers said that they had decided not to make assumptions and generalizations and not to discriminate in their classrooms. There was apprehension that the coming generation was inclined towards terrorism. The conflict had bred confusion in young minds, schooled in a heritage of tolerance, to the deep concern of their elders. The challenge now was how to nurture a culture of peace and reconciliation, which for centuries had been the hallmark of Kashmir's civilization.

Osman, a Kashmiri Muslim, who had been most critical of the workshop in its first two days, said in his conclusion, 'Our courage will make this peace education course successful. I will consciously avoid participating in or promoting any form of violence and seek to develop the quality of forgiveness. We must actively work for reconciliation, not just within the four walls of our school buildings, but carry these ideas outside the walls of the school as well.'

Rajnath, a Kashmiri Pandit, said, 'There has been a communication gap between me and my own children, as well as the children in school. I have now learned new aspects of communication. This will help remove the gap in our relationship. We have always avoided discussion of topics such as those discussed in this workshop. There is no free and fair discussion in our society. I am afraid to express myself. Knowingly or unknowingly, there is discrimination. I want now to teach the children about this.'

Hussain said, 'This course has shown us that peace cannot be established just by ending violence or by giving good lectures. It has to be cultivated through personal behaviour and by cultivating new attitudes. This is a challenging task for us teachers.' There was some commotion when Shammi, a Muslim herself, asserted in a fit of deep frustration that Muslims are extremists. But here, too, reconciliation prevailed.

Participants were given time to draw up individual follow-up action plans. They developed ideas on the use of drama, debates and discussion. Many planned to invite local village communities to their schools to participate in various programmes based on the peace education course.

This was admittedly only a modest effort by an NGO to mend ruptures in Kashmir's social fabric. But education will be vital in contributing to the future mindset of Kashmiris. And the workshop flagged issues that go beyond the school system and demand social, not necessarily political, address. Nevertheless, to sustain any such effort, a vibrant economy, with its promise of a brighter future for all constituents, is essential, as is prevailing peace.

I visited Srinagar on 21 June 2008 when I had occasion to meet with groups of Kashmiri Pandits who have stayed in the Valley and whom I have termed, for the sake of convenience, 'non-migrant KPs'. Having heard of the difficulties faced by this community I had asked two or three of them to meet me. Eventually three large groups, two of whom belonged to two groups of the Hindu Welfare Society, Kashmir, and the third from the Kashmiri Pandits Sangharsh Samiti (KPSS) called on me at the state guest house.

The Hindu Welfare Society had by this time splintered. My purpose in inviting some members of the erstwhile united Hindu Welfare Society to meet me was to persuade them that instead of allowing themselves to pursue separate road maps, they come together to place their requirements before the government since, according to my information, the community had been reduced by then to a mere 7,000 resident inside the Valley. For the government to address their problems it would have been best for all to present a consensus of requirements. Although there had indeed been progress in the open exercise of their traditions like the restoration and normality of the annual Janmashtami procession, real difficulties persisted on material issues. The meetings, spanning several hours separately with each group, were attended by three groups: Group I—Hindu Welfare Society, Group II—Hindu Welfare Society, both of which arrived with representation of fifteen to thirty members, and the KPSS, which consisted of only Sanjay Tikkoo and three others.

Vijay Sazawal, based in Washington DC, but in constant touch with the Pandits in the Valley, had prepared a note in December 2006, which had at the time been submitted by him to Prime Minister Dr Manmohan Singh. The difficulties that were being faced by the community as a whole arose from the fact that no census whatsoever of the non-migrant KP community by age, gender and location had thus far been made.

There was then no consolidated record of land and property of this group of justiciable 'munsif' quality that was fully detailed. Also, there was no list of unemployed, underemployed and undereducated KPs below the age of twenty-five who sought reasonably decent jobs from the state government. I also learned for the first time that, remarkably, there were about 150 families in outlying areas that lived on charity with no source for food whatsoever other than charity kitchens at mosques. This, of a community that had always been among the better-off sections of Kashmiri society. This was shamefacedly acknowledged in the meeting, but the number was put down as fifty-five families of whom fifteen were resident in Srinagar.

There had been an interim census report prepared by the KPSS, financed by members of the KP diaspora, covering sixty-two mohallas of Anantnag, Bandipore, Baramulla, Budgam, Ganderbal, Kulgam, Kupwara, Pulwama, Shopian and Srinagar, which I have referred to in chapter 8. There was also a consolidated survey of land attempted by the KPSS and they were able to compile some information. I found the conclusions that they appeared to have arrived at—although not final and subject to re-verification—alarming. According to them, the number of KP families residing in the Valley was reduced to merely 3,000. And although there was some record of buildings occupied by the security forces—mainly houses for which owners were receiving rent—the record of landed property was sketchy and served no legal purpose. There was, besides, no record of the properties attached to temples, those encroached upon and those leased out, or under occupation.

The KPSS had come up with the figure of 213 unemployed youths. Group I of the Hindu Welfare Society on the other hand had come up with a figure of 500, the figure given to me in 2005. Their employment was an issue of the gravest common concern to the community. I have, in recounting the proceedings of the peace education workshop, spoken of children bitterly castigating parents for having stayed back in Kashmir when the rest of the community had fled, because those who had left had prospered, while they were left begging for a livelihood. In my view, the numbers were not an unduly cumbersome figure for potential employment in the state services functioning in the Valley. In fact, I received a final list of only 200 young men and women from the Hindu Welfare Society in April 2010. But the fact that there were

starving families still subsisting in Kashmir was alarming in a state which prides itself on its poverty line being the lowest in the country.

So, on the basis of my meeting I submitted my recommendations, which centred on the initiation of a programme, to implement which a monitoring committee of non-migrant KPs be set up by Chief Secretary S.S. Kapur, suggesting names and telephone numbers. I called upon India's then home minister Shivraj Patil in July 2008 at his home to hand him a proposal, offering to assist if and whenever required. I never was asked.

And by the time Vajpayee turned once more to the Kashmiris, what was the Indian establishment's assessment of the developing environment in Kashmir? In September 2003 G.C. (Gary) Saxena, twice Governor of Jammu and Kashmir, told me his view of the situation in the state and the possibilities of negotiating the issue with Pakistan.[15] He was clear that there could be no settlement in an 'or else' situation. It appeared to him that the impression among Pakistanis was that the Indian prime minister Vajpayee's invitation to Pakistan's President for talks meant that India was, in fact, suing for peace and that the situation in Jammu and Kashmir was out of India's control. Pakistani journalist Naseem Zehra, who was part of those accompanying Pakistan's President Musharraf for the meeting in Agra, had told Saxena as much. In Saxena's view, India's message was therefore faulty, but the response was even more ill-considered. This, according to him, accounted for the failure to revive dialogue at Agra in 2001.

Saxena believed that Pakistan's ISI was interested in maintaining the APHC as Pakistan's mouthpiece in Kashmir. He averred that the APHC was incapable of digressing even slightly from the Pakistani line. The interlocutors appointed by the Indian government had made promises on which they were unable to deliver and therefore they could not be trusted. In 2002, according to Saxena, the APHC was expecting to be elevated to power. It had been offered baits that were unrealistic. At the same time, it was unsure of its own following, which made it shy away from the election. Saxena felt that the people of Kashmir might

be willing to settle for less than their highest expectations through a new government that they themselves elected.

He was sure the Kashmiris had realized that India's commitment to Kashmir is lasting. India was in Kashmir to stay. The situation in the state was difficult but not impossible. In his view, alienation was not as widespread as some claimed. At the same time, the anger of the larger Indian public against Pakistan was mounting and could rage out of control. Saxena was of the opinion that the Indian public in general was willing to launch a war to resolve the continuing confrontation—a prospect he thought must be discouraged but one that Pakistan should be made aware of.

A completely different opinion was expressed by Prime Minister Vajpayee when, in announcing confidence-building measures (CBMs) in October 2003, he said that a majority of the Indian public would prefer peace with Pakistan. When English-language newspapers polled public opinion, more than 60 per cent of readers agreed with the prime minister's assessment.[16] Subsequent developments in South Asia demonstrated his foresight.

The contrast in assessment of the results of Agra was illustrated dramatically in my meeting with Dr Manmohan Singh, then leader of the Opposition in the Rajya Sabha.[17] He confirmed that Sonia Gandhi—widow of former prime minister Rajiv Gandhi, president of the Congress party and leader of the Opposition in the Lok Sabha, the future éminence grise of two successive governments of India after 2004—had extended support in favour of engaging Pakistan at all levels. Manmohan Singh felt that President Musharraf's attitude at Agra had been reasonable. Musharraf had suggested that both sides agree to exclude from negotiation issues not acceptable to India and issues not acceptable to Pakistan. The two sides could then come to an understanding on common ground. Singh saw Agra as an opportunity lost. He lamented the situation in Kashmir, as in all of India, which he found depressing, particularly the relations between India's religious communities. He did, however, feel that Mufti's government in Jammu and Kashmir had the unstinting financial support of the Government of India. In 2004 Dr Singh would get the opportunity to put his thoughts into practice when he became prime minister.

And it is clear in hindsight that Agra was intended to demonstrate Pakistan's willingness to compromise. In October 2003 the Pakistani ambassador to the United States, Ashraf Jehangir Qazi—who, in his capacity as Pakistan's ambassador to India in 2002 had been part of the Pakistani team at Agra—told me in a meeting in Washington DC that this willingness by Pakistan was official policy on the issue of Jammu and Kashmir, and this had been readily demonstrated in Agra. Pakistan was ready to abide by the will of the people, because it had no locus standi in Kashmir except the people's will. However, a settlement along the LoC would be seen by the Pakistani people as surrender unless the settlement was accompanied by some accommodation on India's part. Ayesha Jalal,[18] a leading Pakistani intellectual based in the US, told me in a telephone conversation the next month that she found the Pakistanis to be more flexible than the Indians.

On 30 October 2003, the Kashmir American Council, an NGO financed by Pakistan to lobby in the US for its views on Kashmir, and unofficial spokesman in the West for the APHC, announced an eleven-point agenda in which it welcomed the twelve CBMs announced earlier that month by India's government, at the same time underlining its concern for the aspirations of Kashmiris. Yet, Kashmir's secular leadership questioned the Indian government's sincerity in announcing the CBMs.

Pakistan's response this time to the Indian proposal for a bus service between Srinagar and Muzaffarabad, which had also been made at the time of the Agra summit but not acknowledged then, was so nettled with conditions as to make the service impossible to implement. The Pakistani response requested a UN role, not only in transit but also in administering passports, but clearly, India could not agree to a virtual abdication of its sovereignty under the guise of facilitating contact between the two divided parts of Jammu and Kashmir.

Pivotal to the success of any dialogue between India and Pakistan then, as at any time thereafter, would be Pakistan's ability to sustain political stability, grievously lacking for the past decade. Grave doubts have been expressed on this possibility, with particular reference to ramifications for peace in the subcontinent. Paula Newberg, regarded by many in the US as an authority on South Asia, wrote in 2004 that 'the country's deepening political crises—largely the creations

of President Pervez Musharraf with the patronage of the U.S.—now threaten the state more than at any time since the military coup d'etat in October 1999. As a result, the chance for peace in southwest Asia is growing smaller'.[19]

In earlier chapters we have seen how political leaders in Jammu and Kashmir had played on the apprehensions of the Indian leadership to make it appear that the Kashmiri leaders were all that stood in the way of the state's secession. Was President Musharraf also playing on US fears of the 'Islamization' of Pakistan to secure his own position? If so, was that a sound foundation for negotiating resolution? I had dinner one night in Delhi with US ambassador to Pakistan, Nancy Powell, a friend from when she served as a counsellor in the embassy in India. She told me she did not view Musharraf from this perspective; she said the US relied on him because the emerging political authority was confused, corrupt—in this context she specifically mentioned Maulana Fazlur Rehman of the Jamiat-ul-Ulama-i-Islam—and ineffective. She felt that the rise of Islamist parties was but a temporary reaction to world developments and that they had no wide or sustainable support base in Pakistan. Even though Pakistani prime minister Jamali was an old friend, she would not credit him with independent strength. Powell also gave little credence to the idea that the Pakistani army leadership was radical Islamist, though she was aware of the view that General Zia, military dictator of Pakistan from 1977 to his assassination in 1988, had 'Islamized' the armed forces.[20]

The situation began to change once more in 2005 as Musharraf came under threat from extremists because of his bid to confront Afghan malcontents operating out of Pakistan's north-west frontier and his announcements calling for peace in Kashmir. Yet, he made no attempt to dismantle the infrastructure of the militant organizations operating out of Pakistan, because these were his reserves to be used to foment insurgency in India-administered Kashmir. The local elections held in Pakistan in the summer of 2005, whose authenticity as a measure of public opinion has been questioned, saw the discomfiture of the Islamists.

By then SAARC had met in Islamabad during 4–6 January 2004. Member nations discussed the establishment of a South Asian Economic Union, and India and Pakistan agreed to resume a dialogue that would

include resolving the issue of Jammu and Kashmir. Shortly after the SAARC Summit, President Musharraf emphasized that the decision to engage in dialogue represented a leap forward, but that it was 'just a beginning'. He also noted that the people of Kashmir continued to suffer and must be involved in finding solutions to the problems in the region in 'some form or other' at some stage in the process. He implied that he felt both sides were displaying a degree of sincerity and initiative in the joint statement on the resumption of dialogue, which went beyond ready-made government positions. Musharraf highlighted three key points of the joint statement: that Kashmir was an issue, that 'composite dialogue' was necessary for resolving the differences between India and Pakistan and that both nations needed to develop and sustain CBMs. This has become the thematic substance that has been the derivative of the dialogue between the two countries ever since.

The foreign secretaries of India and Pakistan met in Islamabad on 18 February 2004 to determine the agenda and schedule further dialogue. Both sides agreed that they would 'approach the composite dialogue with the sincere desire to discuss and arrive at a peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides'. Pakistan and India also scheduled talks for opening a bus route between Muzaffarabad, the capital of the Pakistani-controlled portion of Kashmir, and Srinagar. Formerly a major trade route for the Himalayan region, the Muzaffarabad–Srinagar highway had been closed in 1948 following the first war between Pakistan and India over Kashmir.

This sudden movement forward between two countries virtually at war since they both won their independence was widely welcomed. Those in the highest levels of the US government, including Secretary of State Colin Powell, applauded these developments in the turbulent India–Pakistan relationship. On 12 March, the *Hindu* reported Powell as saying, 'The far-sighted steps toward the peaceful resolution of disputes being taken by India and Pakistan under the leadership of Prime Minister Atal Behari Vajpayee and President Pervez Musharraf have given fresh hope to the citizens of both countries.' A few months earlier, in December 2003, after visiting Afghanistan, Pakistan and India, the independent task force co-sponsored by the US Council on Foreign Relations (CFR) and the Asia Society had recorded signs

of a thaw in relations between the two nations. According to the task force's report, 'New Priorities in South Asia: US Policy toward India, Pakistan and Afghanistan', Pakistan seemed ready for détente, even though it lacked a game plan for proceeding. In India, the task force noted across-the-board support for détente with Pakistan.

The thaw surprised many veteran political observers in South Asia. On 10 January 2004, Radha Kumar, adjunct senior fellow at India's Council on Foreign Relations and a trustee of the Delhi Policy Group, acknowledged in the *Indian Express*:

> Even an obsessive peace process watcher like myself has been surprised by the agreements reached in Islamabad. I expected a framework South Asian Free Trade Agreement but I did not expect it to come in tandem with a Social Charter. I expected a further thaw between India and Pakistan—because of the steps that had preceded it—but I did not expect dates to be set for formal talks, nor that they would take place as early as next month. South Asia's leaders were remarkably frank to confess that they had lacked the political will to tackle their people's needs jointly—and to pledge that they would now do so.

Implementing these agreements required an unprecedented level of cooperation between the two principal regimes in the subcontinent. The history of peace initiatives between India and Pakistan is clouded by many false starts. After the arrest of Sheikh Abdullah in August 1953, Mohammed Ali Bogra, prime minister of Pakistan, visited Delhi and secured from Prime Minister Nehru an agreement to hold a plebiscite in Kashmir. This plan foundered within months, ostensibly because Pakistan entered the US's Baghdad Pact, later the Central Treaty Organization (CENTO), and accepted military aid from the United States. There was hope for resolution in 1963–64, despite the stalled talks between foreign ministers of India and Pakistan in the wake of the India–China War of 1962, when Sheikh Abdullah visited Pakistan, but that glimmer winked out with the death of Prime Minister Nehru. The Simla Agreement of 1972 was perhaps the most promising development. In the view of many, it had brought India and Pakistan close to resolution of the entire Kashmir dispute—a resolution prevented only by the overthrow of Prime Minister Zulfikar Ali Bhutto in a coup d'etat in 1977. But the agreement had languished

and finally collapsed under the pressure of the Kashmir insurgency, when all the pre-Simla phantoms were resurrected—most notably, the internationalization of the issue. Thus, doubts prevailed about whether a continuing détente was viable. Stephen Cohen of the Brookings Institution has been one of the most perceptive US students of this precarious relationship. He believed, prophetically as it would turn out, that it would be wise to wait at least six months before arriving at any conclusions regarding the fresh initiatives in Islamabad. 'On past evidence,' he pointed out in an article in the *Financial Times* on 16 January 2004, 'the thaw will not last.' Cohen was to be shown to be wrong only in his projection of a time frame.

And the Kashmiri view? In the usual Kashmiri scepticism of any chimera of settlement, Syed Tassadque Hussain of the Kashmir Bar Association in Srinagar wrote in *Greater Kashmir* on 21 January 2004:

> Indo-Pak dialogue on Kashmir is going to prove the dialogue of the deaf in the tower of Babel. Nothing concrete is to emerge from this exercise in babblement. In fact, a sense of utter confusion is going to overwhelm the babblers, who would ultimately agree to disagree. The cause for my pessimism stems from the historical perspective that is still pertinent and has led to the present impasse in Indo-Pak affairs.[21]

6

WHITHER KASHMIR?

You sent a friend to examine the wounds on my body
But who will scrutinize the wounds of my soul?
—GULZAR, *SILENCES* (TRANSLATED FROM THE URDU BY RINA SINGH)

In April 2003, speaking in Srinagar, Prime Minister Vajpayee called for an India–Pakistan rapprochement, inclusive of Kashmir, and indicated that he would like to close his political career on that note. On 28 May he said that 'serious compromises' were required over Kashmir. After a June 2003 visit to Washington, Deputy Prime Minister L.K. Advani spoke of the need for 'give and take' on the subject of Kashmir. He repeated this statement in the context of warming relations with Pakistan in an election campaign speech in the south Indian city of Coimbatore on 12 March 2004. Given Advani's reputation as a BJP hardliner, this remark was significant.

In such a situation, what is the scope for 'give and take'? Can territories be yielded? Is an increase in autonomy within existing boundaries an alternative? If so, what should be the content and range of enhanced autonomy? Indian prime ministers have indicated more than once that short of independence, Kashmiris can have anything.[1] Does 'anything' include a substantial reduction in the presence of Indian security forces in Kashmir? In that event, would India leave behind a gap that others would be eager to fill? Can comparable autonomy

and force reduction in Pakistan-administered Kashmir help stabilize the situation?

On Wednesday, 31 December 2003, one week before the SAARC Summit, Mohammed Yasin Malik addressed a joint New Year message to Prime Minister Vajpayee and President Musharraf. He pleaded with the two heads of government to throw their considerable powers of statesmanship behind the cause of peace and prosperity in Kashmir and conveyed an unexpected tone of goodwill and even optimism:

> We have organized protests and strikes whenever Indian and Pakistani leaders have held talks portending to cover Kashmir. However, we have decided not to protest at this time with an eye towards giving peace a chance and in hopes of encouraging an opening between India and Pakistan for a broader peace process. Instead, I would like to convey a message of earnest support and convey my earnest request that you meet and resolve to undertake a peace process that will also effectively and meaningfully involve the people of Kashmir in finding an agreeable solution to all parties.
>
> It is my firm belief that the principle of the inclusion of the people of Kashmir is the missing ingredient for a complete vision for a workable peace process. If a peace process is to be just and sustainable, it must be accepted that Kashmir is not a territorial dispute; it is about the future and aspirations of living people in Kashmir. It is the reality of loss and injustice faced by the Kashmiri population and the very deep and real Kashmiri aspiration for freedom and justice that encompass the major substantive component of the Kashmir dispute. Being the real victims and subjects of this dispute, the Kashmiris have a rightful, necessary, and constructive role to play in the peace process. No solution on Kashmir will be lasting unless it is legitimate in the eyes of the people of Kashmir. Quite simply, I submit that the key to finding an agreeable middle-ground that will be a win-win-win solution for India, Pakistan and the people of Kashmir is to involve the credible and legitimate representatives of the people of Kashmir in the peace process.
>
> This is not simply my own request; it is the expectation of millions of my fellow Kashmiris who strongly share this yearning that Kashmiris should be involved in the process to develop a shared vision for a peaceful and just future. Indeed, this is the simple message that has already been endorsed by hundreds of thousands of Kashmiris through

> the ongoing Signature Campaign that we have been carrying out at the grassroots in Kashmir. Over the last 6 months, more than 800,000 Kashmiris have already endorsed a petition in this regard. For your inspection, I enclose the signed petitions. This is the true voice of the people of Kashmir—men and women, young and old. Kashmiris must be involved in the peace process and we will continue this campaign so that millions will back this message. We are firmly determined to continue all non-violent efforts until the resounding voice of the people of Kashmir can no longer be ignored.[2]

At the conclusion of the SAARC Summit, President Musharraf, promising that terrorism and extremism would not be allowed on the soil of Pakistan, said that although he did not have a 'whistle' to stop violence in Jammu and Kashmir, he could 'facilitate' its end. The people of Kashmir, who had suffered and were suffering, would have to be involved in 'some form or other' at some stage in the process of finding solutions. He saw 'spontaneity' in the joint statement on resumption of dialogue, in three key points: 1) that Kashmir was an issue; 2) that a 'composite' dialogue was necessary to resolve the Kashmir issue as well as other issues; and 3) that CBMs had to be sustained and carried forward.[3]

On 24 June 2004, Prime Minister Manmohan Singh, addressing the nation in his first public telecast after the defeat of the Vajpayee government in the 2004 election, called for a national consensus and accommodation of public sentiments in India and Pakistan to resolve all issues, including Jammu and Kashmir. He further vowed to actively pursue the composite dialogue process with Pakistan. Saying that his government was sincere about discussing and resolving issues with Pakistan, including Jammu and Kashmir—a concept that has led to the coining of the term 'composite'—his government would continue the process of dialogue with the APHC and all other groups in Jammu and Kashmir. Singh added that his country desired to live in peace and prosperity. In the same breath, with remarkable prescience he asked for the cooperation of neighbouring countries to stamp out terrorism, which was casting a dark shadow over the peace process.

How, then, is the 'Kashmir issue' to be resolved? In September 1948, as the first war between India and Pakistan over the issue drew to a close, Sheikh Mohammed Abdullah spoke to Josef Korbel of his

conviction that Kashmiris would be better off with India, but also of his dilemma, as undisputed leader of the Kashmiri section of a multi-ethnic state, on the choices before Kashmir:

> I have meditated about four possible solutions to our problem. First or second—accession to India or Pakistan through a plebiscite. This could not take place in less than three years, because of the destruction of the country and the dislocation of its population. Even then it would be difficult to ascertain impartially the wishes of the people scattered over large areas and possibly subjected to intimidation. Would such a plebiscite be democratic, and would India or Pakistan accept the verdict?
>
> Third, there is a possibility of independence under the joint guarantee of India, Pakistan, Afghanistan, China, and the Soviet Union. I would be willing to meet the leader of Azad Kashmir, Ghulam Abbas, with whom I was once tied by bonds of friendship and a common struggle. We had been together in prison and often had discussed the future of our country.
>
> But even should Kashmir's powerful neighbours agree to give us a guarantee of independence, I doubt that it could last for long. There is in my opinion, therefore, only one solution open. That is the division of the country. If it is not achieved, the fighting will continue; India and Pakistan will prolong the quarrel indefinitely, and our people's suffering will go on.[4]

The agenda for debate has changed little over the years. And that 'suffering' has never really ended. In *Kashmir: Roots of Conflict, Paths to Peace*, Sumantra Bose devotes much space to discussing the issues flagged by the Sheikh. Bose finds 'structural similarities' between the conflicts in Northern Ireland and Kashmir and recommends basic principles and essential elements of the former for a peace process in Jammu and Kashmir.[5] There are several adherents to this approach, including Dr Karan Singh, heir to the Dogra rulers and once sadar-i-riyasat of the state of Jammu and Kashmir. Many well-wishers benchmarked the Northern Ireland Good Friday Agreement of 1998 as a possible model for resolving the Kashmir question.

But with time we have seen that that agreement carried the seed for revived conflict, although it succeeded in stemming the wave of terror that had afflicted the hapless nation and its neighbourhood for over a

century. Whereas Unionists look upon the Good Friday Agreement as the achievement of their objectives without violence, nationalists see it as a step towards a united Irish nation. The differences in the demographic underpinning of the conflicts in Ireland and Kashmir are even more striking. Any union of the two Irelands will convert the majority Protestants in Northern Ireland into a permanent minority. Kashmir, on the other hand, although conquered by outside powers—Mughal, Pathan and Sikh—and, to the abiding humiliation of the Kashmiris, finally purchased by the Dogra, has never, since acceding to India, been subject to the rule of an alien religious or ethnic minority. In what is today Northern Ireland, the majority was converted into a minority in the seventeenth century. No such change came to Kashmir since it became part of Mughal India. The territory of Ladakh, Baltistan and Gilgit became part of Jammu and Kashmir and, hence, of British India only in the nineteenth century. Baltistan and Gilgit, which became part of the Pakistan-administered territory known as the Northern Areas—and are today, in perfunctory recognition of their identity, redesignated 'Gilgit–Baltistan'—have indeed seen demographic change. But the leadership of Kashmir—which constitutes the bulk of India-administered J&K across the board—'separatist' or 'mainstream', Muslim or Pandit, has jealously guarded against such an eventuality, even if it were possible. As recently as in 2010, despite protests by parties like the BJP, with a scanty support base confined to the Jammu portion of the state, the J&K government has rammed through a bill in the State Assembly, forfeiting the right of the children of Kashmiri women married to non-Kashmiri men to inherit property in Jammu and Kashmir.

The claims of the Republic of Ireland, from whom the territories of Northern Ireland were wrested, are an essential element of any settlement. The legal position in Jammu and Kashmir has been the complete opposite. Here, attempts have repeatedly been made to wrest it from the state to which it had acceded—through an invasion of Afridi and Mahsud tribesmen of the north-west frontier by Pakistan's army in 1947–48; through another invasion by infiltrators posing as local insurgents in 1965; and through an infiltration by terrorists demobilized from the Afghan war against the Soviets in the late 1980s. The repeated intrusions by Pakistan are the reason for the state having been left divided.

These repeated armed disruptions of the peace in Kashmir nullify Pakistan's right to participate in the state's future. But considering that implementation of the UN resolutions in the 1940s foundered on the inability to resolve the issue of demilitarization, other means than joint participation by the governments of India and Pakistan in the state's governance need to be explored to ensure for Kashmiris a peaceful future in keeping with their aspirations.

For decades, Pakistanis have been led by successive governments in their country to assume that a plebiscite in Kashmir would result in Kashmiris choosing to accede to Pakistan. Only in 2003 did eminent Pakistani intellectual and commentator on Kashmir, Parvez Hoodbhoy, professor of Qaid-i-Azam University, Islamabad, hesitantly admit that a plebiscite in Kashmir might lead to independence. The misperception arose in part because restrictions prevented Pakistanis from travelling easily to Kashmir, thus depriving them of information on Kashmiri thinking, other than what was fed to them by their own media or by the disaffected Kashmiri diaspora. Nor did the Pakistan government seem interested in promoting travel to Kashmir by Pakistanis. When the Indian government announced a series of twelve CBMs in October 2003, including the resumption of the bus service between Srinagar and Muzaffarabad, the response from Pakistan to that proposal was decidedly cool.

But this attitude had failed to give any importance to Kashmiri sentiment, which Pakistan has been proclaiming to have been their primary concern in keeping the issue alive. Kashmiris saw the restoration of the ancient trade and travel route into the Valley as an impossible ideal. However, shepherds from the Gujar community, divided between the Pakistani and the Indian portions of the state, have traditionally used the mountain grasslands along the tortuous LoC as their summer pastures, and the plains on either side for wintering. This practice of summer pasturing of the shepherds of the principality of Hunza led Pakistan to successfully plead its case with Chinese Prime Minister Zhou en Lai to obtain for Pakistan-administered Kashmir the concession of 750 square miles of territory along the Mustagh River in the Shimshal Pass bordering Xingjian, otherwise claimed as the historical boundary by China. Pakistan did this successfully in its 1963 boundary agreement with China.[6]

There were, therefore, especially among the Gujar community, those who felt that the restoration of the Muzaffarabad road was the answer to the entire Kashmir question. Sheikh Abdullah had made the promise of such restoration an election plank in the build-up to the 1977 election—seen within and outside Kashmir at the time as the only free and fair election the state had seen—which he won handily. It was also among the CBMs suggested at the time of the Agra summit but was summarily ignored by the Pakistan government at the time.

Many Kashmiris suspected that Pakistan did not wish its residents to visit the Valley for fear of the Pakistanis being allured by the progress and freedom in an area that they had been led to believe was reeling under Hindu chauvinism. Even so intelligent an observer as Asma Jehangir, the Pakistani human rights activist, was convinced till as recently as 2003 that 'Azad' Kashmir was better off than the India-administered part.[7] So, to accept freer movement across the LoC, the Pakistanis needed to be convinced that the people of Kashmir would indeed stand to benefit.

Commenting on President Musharraf's December 2003 announcement that 'we have left aside' the United Nations Security Council resolutions for a solution to Kashmir, Parvez Hoodbhoy observed:

> Time is running out for Pakistan. Rather than perform another Afghanistan-style U-turn, it should seek practicable ways of settling Kashmir before a solution is forced upon it. In effect this could mean a preparatory stage in which inflamed nerves are soothed and the high-pitched decades-old rhetoric is toned down. Subsequently, the Pakistani side of Kashmir and the Northern Areas should be formally absorbed into Pakistan. Negotiations should be conducted with India on an LOC-plus solution that allows for some territorial adjustments and soft borders, and possibly a 10-mile deep demilitarized zone. While the division of Kashmir is unfortunate, it is better to accept this reality rather than live with endless suffering that has consumed nearly 90,000 lives since 1987.[8]

This statement amounted to recognition, never before so overtly stated by a Pakistani intellectual, that the UN resolutions of 1947–48 had been ineffective for some time. No part of historic Kashmir, which is to say,

the Kashmir Valley, was in fact with Pakistan, which had occupied only a part of the former state of Jammu and Kashmir. The recognition of the enormous human suffering the conflict has wrought in Kashmir must surely help pave the way to peace.

The International Crisis Group (ICG), an independent non-profit multinational organization based in Brussels, concluded in a December 2003 report: 'Conscious that a plebiscite is unacceptable to India, Pakistan is also exploring, albeit unofficially, other solutions, including the possibility of restructuring the current LOC in a way that would best promote Pakistan's strategic and political interests.'[9] Robert Wirsing, an American commentator on Kashmir, had already arrived at a similar conclusion after field visits over four months between November 1996 and December 1997, when he met senior diplomats, officers, government officials, political leaders, journalists, academics and professional analysts in Pakistan. 'Evidence gathered from the author's interviews in recent years with a substantial sampling of senior Pakistani opinion leaders provides strong grounds for the judgment that whether or not there existed in the past anything approaching a Pakistani consensus on the subject of Kashmir, no such consensus exists now.'[10]

Although the question of Kashmir has consistently been described by Pakistan as the 'core issue' in the India–Pakistan relationship, the explanation for Pakistan's unabated hostility lies elsewhere. It is characterized by Pakistan's quest for balance with India since 1947. This quest led to an overemphasis on the military budget, giving the army a privileged—and, many believe, unduly powerful—political status even when Pakistan was not under direct military rule. Yet, the explanation goes even deeper than the quest for military balance. It lies in the quest for a distinct identity of a country that aspired, on its creation, to represent the Muslims of the entire Indian subcontinent, even though it became home to less than one-third.

This tension was exacerbated by continuing Indian perceptions of Pakistan as a breakaway part of greater India. The February 1999 visit of Prime Minister Vajpayee to the memorial to Pakistan's nationhood, the Minar-i-Pakistan, in Lahore, and his message in the visitors' book can be seen as a reassurance of India's acceptance of Pakistan as a nation in its own right:

> From this historic Minar-i-Pakistan, I wish to assure people of Pakistan of my country's deep desire for lasting peace and friendship. I have said before, and I say it again: A stable, secure and prosperous Pakistan is in India's interest—let no one in Pakistan be in doubt about this. India sincerely wishes the people of Pakistan well.[11]

And there has been recognition, at least among Pakistan's political leadership, that its Kashmir policy has been misplaced. Benazir Bhutto, speaking in 1999 at the Woodrow Wilson Center in Washington DC on relations between Pakistan and the US, admitted that her Kashmir policy was flawed—the worst mistake of her premiership. She said the issue had paralysed relations with India, hamstrung development within Pakistan and, most importantly, she admitted that this had brought nothing but suffering to the Kashmiris. By 1999 Bhutto believed that trade and commerce should be opened between India and Pakistan directly across the LoC in Kashmir; that in the meantime the settlement of the international disputes regarding Kashmir should be put on hold; and that only once life was restored to normality in the state and its environs, should a move be made in the direction of holding a plebiscite. This statement marked a plea to return to the framework of the Simla Agreement of 1972.

Bhutto's views were not acceptable to either India's or Pakistan's governments at the time. Her views do highlight, however, the readiness emerging within Pakistan to look afresh at the issue. In December 2007, as the election to bring in a government to replace the military dictatorship drew to a close, Bhutto's bid to return as prime minister of Pakistan was cruelly extinguished with her assassination in Rawalpindi. Her party returned to power, leading a coalition, in 2008.

But there have always been two essential preconditions if the territory outlined by Bhutto was to be charted. Terrorism in the state would have to cease and Pakistan's commitment to contain it would have to precede any further move. As I have mentioned, even those avowedly in support of involving Pakistan in the deliberations for a settlement, including the APHC leaders, were in mortal fear of Pakistan's ISI. If terrorism were to persist, the Indian Army had to maintain its presence in full force—hardly conducive to the growth of investment

or a vibrant economy. Pakistani terrorism has thereby also fed the Kashmiris' perception of living in an occupied state and being denied their economic potential. Hence, cessation of cross-border terrorist activities would need to be reciprocated with a withdrawal of security forces, at the very least from residential townships in the state.

In a January 2006 interview with a Delhi-based television channel, Musharraf spoke of self-governance and demilitarization in Kashmir. As a possible model for resolution, his comments evoked little response from within the Indian establishment because they were unaccompanied by a substantive framework that could form the basis of a dialogue. President Musharraf never clearly enunciated a concept of self-governance, nor did he cite any examples that could serve as benchmarks. This declaration did, however, strike a chord with the Hurriyat, who were to make the four points the basis of their demand for terms of dialogue with the Indian government.

On India's side, until the late 1990s, the Indian National Congress had dominated India's politics and crafted its Kashmir policy. This policy was hamstrung by the contrary positions on nationhood that marked the emergence of India and Pakistan—what Josef Korbel described as the 'uncompromising and perhaps uncompromisable struggle' of the two infant states. Thus, whereas Pakistan looked upon Kashmir as the unfinished work of Partition, India saw it as the vindication of India's own concept of secular nationhood. All approaches to the subject had been undermined by India's deep suspicion that any compromise might undermine the underlying principle of its own nationhood.

In the last decade of the twentieth century and into the twenty-first, the BJP emerged as a major player in India's political firmament. The NDA government, led by the BJP—elected in the general elections to Parliament in 1998 and again in 1999—moved between confrontation and willingness to compromise. After initial reluctance to toy with established policy in an area of deep national sensitivity, the party took relations between India and Pakistan further than any government had done since the Simla Agreement of 1972, opening new ground in the road to peace in South Asia.

Although the Congress party had been opposed to the concept of Partition and had accepted it with reluctance, the concept of two nations grounded on religion fits neatly into the ideology of the Hindu

Mahasabha, founded in the beginning of the twentieth century to espouse the cause of Hindu nationalism. The principal ideologue of the nascent Mahasabha, Vinayak Damodar 'Veer' Savarkar, had voiced that concept even before it became official policy for the All-India Muslim League, the principal protagonist for a separate Muslim state of Pakistan. In his presidential address to the Hindu Mahasabha in December 1939 Savarkar had declared, 'We Hindus are a nation by ourselves . . . We Hindus are marked out as an abiding nation by ourselves.' On another occasion, he reiterated, 'I have no quarrel with Mr. Jinnah's two-nation theory. We, Hindus, are a nation by ourselves and it is a historical fact that Hindus and Muslims are two nations.'[12] Savarkar coined the term 'Hindutva' and propounded its philosophy, which would become a mainstay of the BJP's ideology.

While the concept of a 'brave new Hindu republic' has been described by Kanti Bajpai as a 'recipe for social, economic and political disaster' in a country of the scale and diversity of India,[13] a settlement with the Islamic Republic of Pakistan was in keeping with Hindutva ideology as the religious aspect of nationhood—to which an increasingly accepted ideology adheres—evolved in India. Although the NDA lost power in 2004, its ideology has continued to inform governance and remained a major component of political thought. Dealing with terrorism in a liberal democracy, seen in the context of the national pride of two nations, so that no substantial compromise on territory can or should be expected, is a challenge for which there is no cast-iron prescription. How, then, can the developing ideological paradigms be adjusted to Kashmiri aspirations?

As the twentieth century ended, the overwhelming sense among Kashmiris was that they felt betrayed. The economic dimensions of the conflict were only partly understood, resulting in opportunities lost. As mentioned in chapter 3, the Indian government's earliest response to the disaffection caused by the sack of Abdullah's government in 1953 was to step up development finance in the state.

By 2004, the state's economy was characterized by receding growth, even though poverty rates remained lower than India's national

average, thanks to the land reforms exhaustively implemented by Sheikh Abdullah. Kashmir has a vigorous entrepreneurial tradition dating from ancient times, when it lay along the legendary Silk Route from China through Central Asia to the West. The road thence into Kashmir had run from what is today Turkmenistan through Skardu in Baltistan, now part of Pakistan-administered territory. Although myopic government policies and the predation of an unscrupulous land mafia converting prolific paddy fields into money-spinning housing estates have contributed to a stagnating production of major crops, horticulture and the handicrafts industry continue to show potential. The infrastructure has crumbled, however, and development has become dependent on Central government finance. State plans in India call for 80 per cent of development funds to be raised through state resources, with the Government of India providing 20 per cent via loans. The state of Jammu and Kashmir enjoyed the reverse, with 80 per cent being treated as a loan from Central plan funds. By 2006, 100 per cent of the state's plan was financed by the Central government, of which only 20 per cent was repayable.

The most important resource in the state is its forests, which cover more than 20,000 square kilometres. The diverse woodlands range from the silver birch of the high mountain ranges to the majestic *chinar* in the Valley, along with walnut, other deciduous trees and conifers. This has been a rich government monopoly, with logging leases conferred in the Bakshi tradition to several favoured lessees. Beneficiaries became millionaires and set up flourishing businesses within and outside the state, several launching lucrative political careers. But forest-based industry, other than the wasteful wooden packaging for fruit export, has remained incipient, largely because of the monopolies. Farooq Kathwari, CEO of Ethan Allen, the largest furniture business in the US, is a Kashmiri, and members of his family are leaders in the carpet industry. Within Kashmir, a number of private entrepreneurs manufacture excellent furniture, but they are constricted by the lack of resources in finance and marketing. The J&K government's joinery mills—set up with expert Swedish collaboration in 1953 in Pampore, south of Srinagar, with the complete and at the time the most modern woodworking machinery—are closed, gutted by fire in 1987, even though at their inception they

aspired to rival world standards. Mismanagement by government, which acquired the mills in 1963 led to declining quality and wasteful overuse of valuable raw materials. Kashmir's exquisitely carved walnut furniture has been prized for many generations, yet the expertise of this traditional craft is dying out as craftsmen's children pursue professions with a more stable income. The potential for international investment in fine furniture making is great but remains largely unexplored.

Kashmir's forests have been among the chief casualties of violence. During the height of the militancy, no government official would dare venture into the forests, which were a hideout for terrorists. With the removal of protection, the valuable timber became a major resource base for terrorist groups. Habitations atop the ridge line, with their commanding view of the Valley, had become the haunts of infiltrators in transit. The denudation of the forests, already under way because of overexploitation by corrupt lessees, gathered speed. In a series of military operations through the early 1990s, security forces were successful in restoring Indian authority to these areas, which had become major infiltration routes because they span the mountain ridges along the LoC. But the indiscriminate felling did not stop. Only fitfully challenged by forest officials, people in the security forces set about felling trees to build their homes in villages across Punjab and Haryana. And voracious, unhindered and indiscriminate felling in adjoining forests was liberally allowed as recompense by Indian security officers to those local opportunists from small towns and villages who were willing to serve as informers or henchmen. So the forests that once surrounded the popular ski resort of Gulmarg are among those that have all but disappeared. This deforestation has had a ripple effect. The watershed, particularly of the Valley, lies dangerously despoiled, with springs drying and waterways silting up, reducing the span of the three great lakes in the Valley: the Wular, once Asia's largest natural freshwater lake; the Aanchar, to which all approaches are now overgrown; and the Dal, Srinagar's principal tourist attraction.

The Dal Lake has always been at the centre of Kashmir's civilization. It has played a major role in the economy of Jammu and Kashmir through the centuries, both as an attraction to tourists and as a source of food and water. The lake provides a supply of fish and its floating gardens produce fruit and vegetables that supply the city of Srinagar.

Parts of the lake are strewn in summer with lotus blossoms, whose seeds are harvested for food. The macrophytes and plankton recovered from the lake provide rich manure for cultivation. But years of overuse and construction activity in its catchment area blocking springs and diverting streams, have beset the lake with a host of problems: the unhindered flow of animal, agricultural and industrial wastes into what were once potable waters; the decomposition of vegetation and plankton debris; the dumping of garbage and sewage from houseboats and adjacent habitations; the denudation of plant cover in the 312 square miles of catchment, causing surface erosion and siltation; the construction of artificial barricades such as dikes and roads and floating gardens; and the unregulated development of tourism. The Government of India marked the Dal for rescue under its National Lake Conservation Plan, but as of this writing, the headway made has been pitiable.

The Jhelum River, present name of the sacred Vitasta of ancient Indian legend, which winds through the Valley to join the Indus in Pakistan's Punjab, is severely polluted and depleted. Kashmir's lakes and rivers urgently require dredging of excess silt. Deforestation, development of watersheds and direct pollution with sewage and industrial waste must abate, and alternative forms of sewage disposal and treatment must be devised if the Valley is to avoid dire environmental consequences.

The state of Jammu and Kashmir is host to many unrealized economic opportunities. In the flourishing fruit business, the manufacture of apple juice is a growing industry, but food processing based on other temperate fruits remains virgin territory. The hotel industry, which could, in what it offers, rival the best in the world, has been debilitated by crippling regulations designed to promote the government's participation in an area from which it would do well to withdraw altogether.

The river systems potentially offer at least 15,000 megawatts of power that could, through efficient transmission, feed into the power grids of both India and Pakistan and even farther into the emerging republics of Central Asia. Jammu and Kashmir, though not its source, is in the Indus River's watershed before it debouches into Pakistan. Pakistan's fear of being deprived of Indus water rights was a factor in its 1948 stand at the UN, where it declared that Kashmir was vital to

Pakistan for this reason.[14] On the other hand, the highest and best use of this rich resource has been hindered by the Indus Waters Treaty of 1960, arrived at under the aegis of the World Bank. Though the treaty was not designed to impede development, by narrow interpretation it can be used to do so, adding to the deep-rooted tensions in India–Pakistan relations. Hydroelectric power generation requires regulation of flows, but it causes little actual depletion of water. Obstruction of flow is impermissible under Article IV (2) of the Indus Waters Treaty. Yet objections have been raised repeatedly to hydroelectric projects, leading to sporadic and wholly inadequate development. Among the more recent examples: in December 2003, after a Pakistani team's visit to the Baglihar hydroelectric generation project in Doda district, Pakistan raised objections to the continuance of the ambitious 450-megawatt project. In this case, the state persisted with development plans, pinning its hopes on the thaw that came with the SAARC Summit in early 2004. After this, the project was discussed constructively in a meeting of concerned secretaries to the governments of India and Pakistan, only to become the first case of its kind submitted for arbitration under the Indus Waters Treaty. The project was eventually allowed to proceed.

The Tulbul Navigation Project, known in Pakistan as the Wular Barrage Project, designed to ease transportation inside the Kashmir Valley, has remained under negotiation since 1987. The Kishanganga is a highland tributary to the Jhelum winding along the LoC on which India's National Hydel Power Corporation Ltd (NHPC) planned a 330-megawatt hydel project seven kilometres from Dawar, along what used to be the road to Gilgit from Srinagar. Dawar is the administrative headquarters of the lofty Gurez Valley that lies in the shadow of K2. Although as early as in May 2005 the Indian government agreed in talks with Pakistan in Lahore to change the design of the project to accommodate Pakistan,[15] by 2010 Pakistan was considering approaching the International Court of Arbitration on the issue.[16] Thus, despite its rich resources, Jammu and Kashmir remains among the most deficient in power of India's states. Small wonder, then, that by 2010 the water issue was once more atop Pakistan's proposed agenda for negotiation with India.

Even though more than 800 villages of the state are part of the national power grid (from which it draws but gives little in return),

one of the few Indian states with so exhaustive a coverage, Jammu and Kashmir has been subjected to lengthy power cuts daily, both scheduled and unplanned. This nuisance showed relative improvement only by the end of the first decade of the twenty-first century, but only in the state capitals of Jammu and Srinagar. India and Pakistan could work together in bringing relief to large numbers of people in an area of vital importance to economic infrastructure.

The instrument for addressing this issue exists in the South Asian Free Trade Agreement (SAFTA). At the SAARC Summit, participants discussed the establishment of a South Asian Economic Union. A result of this discussion was the broadening of SAFTA, which removes barriers to the cross-border flow of goods to promote trade and economic cooperation in the region. This agreement was signed by all the SAARC member countries—with Pakistan playing an active role in persuading members to sign—and it surpassed the existing preferential trading arrangement.

Slated to take effect in 2006, SAFTA was designed to save South Asia billions of rupees lost in smuggled goods and in transit of goods through non-member countries. More important, this agreement had the potential to open markets, especially the vast Indian market, for each of the signatories' products, thereby stimulating industrial and agricultural growth across the region and paving the way for a South Asian Economic Union, slated for 2020. The social charter appended to SAFTA balanced freer trade with equitable growth by proposing a plan for alleviating poverty. But like so many chimeras of rapprochement in the past, SAFTA failed to take effect because it was made subject to an agreement between the Pakistani and Indian leadership on Kashmir. And although premier Dr Manmohan Singh had wished, while inaugurating the Srinagar–Muzaffarabad bus service in Srinagar, that it would be the precursor to a flourishing trade, due to the lack of any international trade agreement allowing even for the simple trade practice of opening Letters of Credit, trade along the LoC up to 2011 was limited to barter on closely prescribed commodities.

As the uprising in 1989–90 took its toll on the state's economy, the richest source of revenue became the threat and use of violence. Apart from finances received from the ISI and the Kashmiri diaspora, leaders of insurgent groups had two prime targets for the extortion of goods

and money: local government officials, particularly those who had feathered their own nests in the Bakshi tradition, and local businessmen, who were beneficiaries of that tradition. Some contingents continued to prosper after the initial upheaval was quelled and the terrorist groups became varied. In the early years of the twenty-first century, these were primarily the Pakistan-sponsored Harkat-ul-Mujahedeen, the Lashkar-e-Taiba and, later, the Jaish-e-Mohammed. The Kashmiri-led Hizb-ul-Mujahedeen, though no longer in the forefront, remained active.

Terrorist groups also included those who had switched loyalties to India's security forces and who were permitted to continue their terrorist activity provided they did so in support of Indian military objectives. The Special Operations Group, part of the police administration constituting surrendered militants, was set up in 1994 as Governor's rule drew to a close. The process that led to the formation of this group was initiated when surrendered militants appealed to me during my commissionership in Kashmir in 1993, pleading that they be allowed to carry weapons to defend themselves and their children from the terrorists at large, whose primary targets they had become. But the group in itself grew into a form of state terror. Although it was claimed to have been terminated because of public pressure after the new government took office in 2002, that did not happen in practice: the SOG remained intact as part of the Jammu and Kashmir police. As *Frontline*'s Praveen Swami pointed out in 2003, 'There are already enough terrorists and arms inside Jammu and Kashmir to sustain violence at high levels even if infiltration is temporarily choked off.'[17] As a result, men like Mohammed Yusuf (Kuka) Parray were able, with the support of security forces, to blatantly enrich themselves through terrorist groups of their own, such as Parray's Ikhwan-ul-Muslimeen, which was patronized not by Pakistan's ISI but by India's Intelligence Bureau. Parray, doyen of what came to be called the 'counter-insurgents', formed a political party—the Jammu and Kashmir Awami League—and ran in the 1996 election to win a seat in the state legislature, all the while enjoying security supplied at the government's expense.

The principal reason terrorist organizations retained their capacity to draw upon seemingly limitless manpower—even after the disillusionment with violence that set in among the Kashmiri public—was that serving in them offered the best opportunity to make money. Life could be short

if one took this course, but it would be sweet. The spoils could be spent on luxuries elusive to common folk, such as staying in houseboats and starred hotels and enjoying the services of comely young women. Even as there was an increase in activities by infiltrating terrorists, participation by Kashmir's youth in terrorist activities remained substantial.[18] This participation was motivated sometimes by a consuming anger, often a thirst for revenge, but more and more by economic compulsions and less and less by ideology. This modus operandi became embedded in the minds of Kashmir's children, who were to grow into the stone-pelting youth by 2010, but more of this in the concluding chapter.

The effort by parties on both sides to use the economy to assert their authority only fed the sense of separateness. Increasingly, young persons in Jammu and Kashmir, whether on the Indian or the Pakistani side, felt that the only means of making a respectable living was by working abroad. Although some of the foremost businesspeople and medical practitioners in the Middle East, the UK and the US have their origins in, and an abiding love for, Kashmir, those left within the state were condemned to languish, yearning for but never reaching their true potential.

Bashir Ahmed Dabla, then chair of the sociology department of Kashmir University, located in Srinagar, conducted the earliest study on the impact of conflict on women and children in Kashmir,[19] sponsored by the UK's Save the Children Fund. The survey covered children under fourteen years of age in the district of Budgam. According to the study, children face several pressing problems:

- Loss of home after the father's death (especially if the father was a militant);
- Twenty-seven per cent dropout rate from schools—73 per cent of children cited poverty as the main cause for leaving school;
- Having to work to support the family, mostly in menial positions;
- Social downslide and, as a result, problems in the marriages of orphaned girls;
- Psychological problems, often resulting in criminal or violent behaviour; and
- Lack of health care, problems with immunization, increase in neurological and heart diseases.

Rekha Chaudhury, a teacher of political science at Jammu University, completed a study in 2003 of the migrant-Pandit camps in Jammu. The

psychological condition of the women and middle-aged men who were drawing salaries from the government but had no employment disturbed her so deeply that Chaudhury recommended psychological help for internees. Even into 2010, the Mufti-i-Azam (Grand Mufti) of Kashmir, Mufti Basheeruddin, heir to an office established in the fourteenth century, and today chair of Kashmir's Muslim Personal Law Board, was seeking funds from the Central government to help him assist the numerous destitute orphans, widows and unmarried women who remained the detritus of the failed uprising.

The 2004 study conducted by the LBSNAA on the role of the civil administration in Jammu and Kashmir in protecting human rights found that the health system, down to the village level, had become moribund and needed revivification. The study called for a medical centre in every village, even in far-flung areas, staffed by both male and female doctors. Medicines should be made available free of charge for those in need and health education should be made a regular feature in the rural areas through medical camps equipped with blood banks and mobile hospitals.

Among the recommendations was an improvement in the condition of psychiatric hospitals and a programme of patient rehabilitation in these hospitals, based on priority of need. In the year after Kashmir erupted into violence in 1989, annual outpatient visits to the psychiatric hospital in Srinagar soared from 3,000 to 18,000. But fire gutted the building in 1996, and the roofs and windows of the old wards were damaged. The study found that the hospital needed support groups and the civil administration needed to do more towards improvement and repair of the physical structure. Training was needed for NGOs involved in reducing psychosocial problems; trained paramedical staff was needed. If rehabilitation of patients in the psychiatric hospital was to be undertaken, as was the public demand, the hospital needed more staff. Help has come from various quarters, though more is desperately needed. Médecins Sans Frontières (MSF), a medical and humanitarian international NGO, has worked in Kashmir since 2001 to reduce psychosocial problems resulting from stress brought on by the pervasive violence.

Post-traumatic stress disorder (PTSD) has become widespread in the state. British film-maker, author of *In the Valley of the Mist*, and

therapist Justine Hardy—who has been visiting Kashmir over the last twenty years—has spoken of being informed by Drs Mushraq Margoob and Arshad Hussain of the Government Psychiatric Hospital, that 90 per cent of Kashmir's population is affected. As Allan Young, a leading expert on the affliction describes it, 'The disorder's distinctive pathology is that it permits the past (memory) to relive itself in the present, in the form of intrusive images and thoughts and in the patient's compulsion to replay old events.'[20] But the degree and pervasiveness of distress are so great that inevitably, a vibrant state economy, providing viable career opportunities, would be basic to any real regeneration.

If conflict is to be brought to closure after the horrors that have traumatized Kashmiris, Kashmiris will need outside professional help in healing the psychological scars. However, it is now recognized that therapeutic approaches that may be applicable to psychiatric patients in the West will not necessarily apply in the same ways in other cultures.[21] The United States, with its advanced technology for treatment of PTSD, is well suited to providing psychotherapeutic help in Kashmir.[22] Through institutions such as the US Agency for International Development (USAID), the United States can help directly in another key area: setting up trauma centres for providing psychiatric care to a deeply traumatized people. Kashmir's own accomplished medical professionals can work with Americans to make the provision of mental health services an effective expression of international concert.

Is there then a role for the United States in Kashmir? Indeed, as discussed earlier, the question asked in 1953 was whether that country had actually sought to suborn the state's then prime minister, leading to a whole theory of a 'Kashmir conspiracy', for which the Sheikh faced trial. The concept of self-determination, which developed in the past century, is based on the flawed Treaty of Versailles, founded on US President Wilson's Fourteen Points. It had led Archibald Wavell (later Field Marshal Earl Wavell, last but one British viceroy of India), who served during the war in Palestine, to say, 'After "the war to end the war" they seem to have been pretty successful in Paris at making a

"Peace to end Peace".'[23] But US policy at the advent of the twenty-first century, particularly in response to the nationalist paroxysms sweeping south-eastern Europe after the disintegration of the Soviet Union, has been to remake the politics of a region without redrawing the map, thus creating economically and politically unviable mini-states. The concept of self-determination has therefore matured in a changing world. This concept was succinctly defined by Strobe Talbott, US deputy secretary of state under President Clinton: 'We are trying to define and apply the concept of self-determination in a way that is conducive to integration and not to disintegration, in a way that will lead to recurring peace rather than recurrent war.'[24] This principle holds the key to resolution in Jammu and Kashmir.

The Kashmir issue has been described as 'intractable'. I do not share that view, but a delay in resolution by a few years cannot be ruled out. Kashmiris have historically viewed the United States as an honest broker—rare in any Muslim country in the aftermath of the US response to 9/11.[25] Given the deep mistrust that has informed Kashmir's relationship with India and that has increasingly coloured Kashmiri attitudes towards Pakistan, this is an image that the US would do well to cultivate. But has there ever been a case for US mediation?

President Kennedy made a concerted effort to resolve the issue in 1962–63, in an attempt at 'pivotal peacemaking'.[26] Secretary of State Dean Rusk defined US objectives by making it clear that the outcome of talks would have a genuine impact on each country's relations with the US.[27] US friendship was therefore the bait. In pursuance of a joint statement issued by President Ayub Khan of Pakistan and India's Prime Minister Nehru, a delegation led by Sardar Swaran Singh held six rounds of talks with Zulfiqar Ali Bhutto, then Pakistan's foreign minister. That initiative foundered because efforts to force the issue were resisted; India was supported by the Soviet Union, and Pakistan was leaning towards China. In his statement to Parliament of 13 August 1963, Prime Minister Nehru accused Pakistan of giving away as much as 2,000 square miles of India's territory, in the north-east of the erstwhile state of Jammu and Kashmir to China. This statement has since then clearly been established to have been wrong. In a letter of 22 March 1959 to China's premier Zhou en Lai, Prime Minister Nehru wrote:

> I do hope that a study of the foregoing paragraphs will convince you that not only is the delineation of our frontier, as published in our maps, based on natural and geographical features but that it also coincides with tradition and over a large part confirmed by international agreements.[28]

'Every one of the statements,' wrote A.G. Noorani in 2011, 'was historically untrue.'[29] The 1963 agreement between Pakistan and China was based on a history that went back to the nineteenth century, in fact from the time the British had created the state of Jammu and Kashmir by the treaty of Amritsar of 1846. The Amritsar treaty was crafted by the British to compensate their ally Gulab Singh for having betrayed his own Sikh masters to help them vanquish the Sikh kingdom of Lahore. The British then went on to impose a boundary on a weak and suspicious China, in which the boundary between Kashmir and East Turkistan (now Xinjiang) remained undefined. No Chinese delegation appeared to discuss the issue with the second Boundary Commission set up in 1847 for the purpose with Alexander Cunningham, Henry Strachey and Dr Thomas Thomson.[30] Because of this, C.U. Aitchison, undersecretary to the Government of India in the foreign department could write in a publication of 1929 that 'the northern and eastern boundary of the Kashmir State is still undefined'.[31] Yet, even to this day, India's minister of state for external affairs recites the old mantra of Pakistan's illegal cession of 5,180 square kilometres to China as part of 38,000 square kilometres of India's territory in Jammu and Kashmir, when the facts show that it was Pakistan that added 750 square miles to its administered territory from what had historically been Chinese and never clearly defined as part of British India. And in his statement to Parliament, Prime Minister Nehru said that 'in all these six talks, spread over nearly five months, Pakistan showed no readiness to discuss anything apart from Kashmir'. The potential promise of help from the US ended with the assassination of President Kennedy in November 1963.

In 1990 Robert Gates, deputy national security adviser at the White House, made a low-profile visit to India and Pakistan that had little impact, although many Kashmiris remain convinced that his visit averted war. Under President Clinton, an active US role in negotiating

peace in Kashmir was broadly hinted at in Washington's think tanks, particularly those identified with the US State Department. And during the skirmish that broke out between the two countries in Kargil in 1999, President Clinton had a decisive role in dissuading India from crossing the LoC to attack Pakistan, which would surely have resulted in full-scale war between what were by then two nuclear powers. Clinton was also able to get Pakistan's then prime minister Nawaz Sharif to stand down and virtually concede defeat, which earned Clinton a standing ovation in India's Parliament House on his next visit to New Delhi. But any effort to impose a resolution could only have brought popular resentment and public resistance even if the governments of India and Pakistan were compliant, making the settlement unsustainable. Pakistan's religious radicals would have denounced an imposed resolution as an effort to undermine their nationhood. India, an emerging world power at the dawn of the new century, would never countenance what it would surely see as a breach of its hard-won sovereignty. As every South Asian will know, in a subcontinent that was once united under one ruler, the sensibilities that have underscored the relationships between the two largest communities—which have interlaced relations between the countries that emerged here in the twentieth century—are complex and best understood by the people themselves.[32]

In late September 2003 I met Yasin Malik in Srinagar. He believed that the breakdown of peace overwhelming Kashmir at that time had resulted from India's not recognizing its debt to the US. He said, with the confidence of one privy to a secret, that the US had pressured Musharraf to stem the infiltration of terrorists across the LoC in Jammu and Kashmir. In response, support for the infiltration by Pakistan's ISI was suspended and pressure on organizations such as the APHC had eased. After I visited Srinagar that June, I had the distinct impression that pressure from Pakistan had greatly abated. Statistical data for the period November 2002 to March 2003 also indicate a sharp fall in terrorist violence and killings, compared to corresponding periods in previous years.[33] The best example of the trend towards peace was my ability to join the Friday congregational prayers at the Jami Masjid in Srinagar. At one time this had been the epicentre of the separatist movement, and it was where, as commissioner of Kashmir,

I had faced an armed attack by Hizbullah in April 1991. The sermon on this Friday of June 2003 was indeed feisty and the prayer meeting was heavily attended by both men and women. Mirwaiz Mohammed Omar Farooq called for azadi—the day marked the thirty-ninth anniversary of the founding of the Awami Action Committee by the mirwaiz's father. The mirwaiz repeatedly endorsed the initiative of the prime minister of India in opening a dialogue with Pakistan, and the ambience amid the lofty columns of the Jami Masjid was decidedly serene, entirely free of the rhetoric of violence.

The next morning I met the mirwaiz at his residence. Confirming my own impression his conversation reflected little apprehension of the ISI, a characteristic of our previous discussions. This becalmed atmosphere appeared to be a direct result of developments since 9/11. Like Yasin, the mirwaiz too believed that US pressure on the two countries was urging them towards dialogue. Yasin Malik cited two factors that had derailed this trajectory. One was India's failure to respond to Pakistan's offers for talks. The other involved remarks by the newly elected chairman of the APHC, Maulvi Abbas Ansari, after his election in mid-September 2003. These remarks were perceived by the Kashmiri public and by Pakistan to be an abdication of the APHC's stand that the US must be party to any dialogue between India and Pakistan. The media reported the maulvi saying that the US had no role in negotiations with Pakistan and the APHC was ready to initiate a dialogue first with India and then seek a dialogue with Pakistan. When I met the maulvi in Srinagar he clarified that these were cases of gross misreporting. He said he had talked only of procedures that should be followed in the existing situation. The media, sniffing about for a straw to clutch in the pervasive bleakness in Kashmir, flashed on this discussion in a way that made it appear that the APHC was abandoning its long-held stand. The damage could not be undone.

In October 2003 the US State Department told me that Malik's assumptions were incorrect. The US had played no role in the decrease in violence, and the Kashmir issue figured low on the US agenda in talks with Pakistan. On the other hand, Ashley Tellis of the Carnegie Endowment for International Peace, who, as part of the US embassy in New Delhi through much of 2002–03, was party to the US government's

unfolding Kashmir policy, told me that there was indeed a modicum of truth in Malik's assumption.

The US State Department did not speak openly of terrorism in Jammu and Kashmir until after a terrorist attack on Parliament on 13 December 2001. US Secretary of State Colin Powell described it as such in June 2002, only six months after the event. The Indian Army was ready for war after a further terrorist attack, on an Indian military family encampment in Kaluchak, Jammu, exacerbating tensions between two armies already standing mobilized following the attack on Parliament.[34]

The primary US concern was to acknowledge what India had been trying, almost plaintively, to assert as an established fact all along—in the hope that this would avert the perceived threat of nuclear war between two of its important allies in the 'war on terror': India and Pakistan. Pressure was exerted on Pakistan to back off from promoting violence in India—violence that the United States only grudgingly acknowledged as terrorism, even though the acts had the same characteristics as the terrorist attacks in the United States. But this was all sound and little fury. Other regions of a troubled world engaged the attention of the US, and as soon as the threat of war in South Asia fizzled out, the issue of confronting terrorism in Kashmir flagged.

However, as the relationship between the US and India warmed, concluding with the US–India Nuclear Agreement of 2006, the supplanting of a military dictatorship with an elected government in Pakistan and NATO's intervention in overthrowing the Taliban regime in Afghanistan, the contours of the balance in South Asia began to change.

7

ADAGIO TO WISHES AND DREAMS

Wavering between the profit and the loss
In this brief transit where the dreams cross
The dreamcrossed twilight between birth and dying
(Bless me father) though I do not wish to wish these things
From the wide window towards the granite shore
The white sails still fly seaward, seaward flying
Unbroken wings
—T.S. ELIOT, *ASH WEDNESDAY*

By 2003, when Musharraf received no response to his initiatives to resume dialogue with India, he withdrew his orders restraining the ISI. Although resurgence of violence in Jammu and Kashmir was perceptible, of which the assault of 2003 on the Greenway Hotel in Srinagar is an example, there was another consequence of unleashing terrorism: two terrorist attacks on Musharraf himself on 14 and 20 December 2003, the second of which took heavy casualties. The group identified as the sponsor was one that had been operating in Kashmir.

And so, among the agreements made at the SAARC Summit in January 2004 was a protocol on terrorism. All signatories, including Pakistan, in their Declaration of Regional Cooperation condemned terrorist violence and noted that people of South Asia continued to face a serious threat from terrorism. They agreed:

> We are convinced that terrorism, in all its forms and manifestations, is a challenge to all states and to all of humanity, and cannot be justified on any ground, whatsoever. Terrorism violates the fundamental values of the United Nations and the SAARC Charter and constitutes one of the most serious threats to international peace and security. We agree to fully implement the relevant international conventions to which we are parties. We reaffirm our commitment to SAARC regional convention on suppression of terrorism, which, among others, recognizes the seriousness of the problem of terrorism as it affects the security, stability, and development of the region.[1]

If India and Pakistan had adhered to the commitments made at the SAARC Summit and abided by them in letter and spirit, a framework for peace would have emerged from among the people themselves. But the delicate state of relations between the two nations demanded that governments in both parts of the erstwhile Jammu and Kashmir encouraged freedom of exchange among people on either side of the LoC, by withdrawing restraints and terminating the governments' monopolies in trade and commerce. India's Prime Minister Manmohan Singh hoped, when he inaugurated the bus service between Srinagar and Muzaffarabad—the capital of Pakistan-administered 'Azad' Kashmir—in April 2005, that this route would become sinew to vigorous trade and commerce. It was time to encourage investment designed to generate economic activity and the economist prime minister had an ambitious package designed for the state in 2006 by a task force headed by eminent economist Rangarajan. In 2008 violent agitators blockaded the road through Jammu, Kashmir's single-road access to the markets of India. In the consequent 'fruit' march to Muzaffarabad, residents of the Valley demanded that Kashmir's fruit be allowed to be sold to Pakistan-administered Kashmir, resulting in the loss of forty Kashmiri lives in police firing. In response to this major upheaval, trade between the two parts of the state was eased—albeit in limited form—but actual increase in investment remained, at least until 2011, desultory.

The United States began to see itself not as mediator but as helper, by paving the way towards resolution while leaving the content and form of that resolution up to the principal stakeholders. An independent task force, co-sponsored by the US CFR and the Asia

Society, visited India and Pakistan in December 2003. The report of that task force, reflecting US thinking on the issue at the time, concludes, 'In the final analysis, only New Delhi and Islamabad can resolve their rivalry and reach an accord over Kashmir. The United States can—and, in the Task Force's view, should—try to help the process.'[2] Given the positive momentum generated by the agreements of the SAARC Summit, the time for US assistance had come. In March 2006 President Bush made a sixty-hour visit to India described by many as a breakthrough in relations, leading to the India–US nuclear agreement of 2006.

India's rapid rise as an economic power was constricted by the turbulence in Kashmir. Punjab, India's most prosperous agricultural state, failed to attract foreign investment commensurate with its resources. And although the lure of India's software revolution spread into the heart of the US economy,[3] the software industry has remained largely concentrated in the south of the country, in Bengaluru and Hyderabad, leading to asymmetrical development of India's economy. Pakistan's 2001 defence budget of $2.1 billion grew (though very little in real terms) by 33 per cent to $2.8 billion in 2003. Its defence expenses have remained flat since at least 2001.[4] However, Pakistan's defence budget was only a part of its defence expenditure; for example, the defence budget did not account for payment of pensions—a major charge on India's defence budgets. Similarly, a number of civilian positions, such as head of Pakistan's Water and Power Development Authority (WAPDA)—principal supplier of these facilities in that country—were occupied by serving defence personnel, whose emoluments were thus budgeted outside the defence budget. Hence, the official defence budget of Pakistan is not consonant with reality. The effect, however, was that development efforts were being overborne by Pakistan's defence requirements. The US could be instrumental in alleviating the concerns of both countries in areas perceived by them to be vital to their growth.

Nuclear parity between neighbours is no guarantee of parity in conventional war. As the Kargil conflict of 1999 and Operation Parakram showed dramatically, the outbreak of conventional war is a live if avoidable possibility in the fragile relationship between the two countries. According to Lieutenant General (retd) V.K. Sood and Pravin

Sawhney, Operation Parakram also 'rubbished the concept of a limited conventional war, especially one which was limited in space and force levels'.[5] But Pakistan lacks the resources and the economic depth to retain such parity, even though some experts claim that parity existed until at least 2005.

Even a small country like Malaysia has become an economic presence in South-east Asia as a result of judiciously ploughing limited resources into education and health and restructuring its bureaucracy in the process. In contrast, Pakistan's development efforts, including investment in education and health, need encouragement by liberating them from the incubus of defence expenditure. As Aqil Shah, a Pakistani scholar with the National Endowment for Democracy in Washington DC, pointed out in a May 2004 op-ed in the *Washington Post*: 'The amount Pakistan spends on public education is among the lowest in the world as a percentage of its economic output.' Pakistan allocated a mere 1.8 per cent of gross domestic product (GDP) to education that year. President Musharraf spoke of reforming the madrasa system, but there was no perceptive achievement in this direction during his time as President; even modest steps at asserting government authority were met with stout resistance. As the independent task force of the CFR and the Asia Society pointed out, there is an urgent need for better teacher training, improved curriculum support and better monitoring of schools—a need that persists.[6] A revivified and reformed madrasa system could go a long way towards universalizing education in Pakistan. And lest it be argued that the concept of the madrasa militates against a modern concept of education, the effective functioning of this vibrant structure, though separate from a universal government primary school system, can be studied in the nearby islands of Lakshadweep. This Muslim-populated Union Territory of India, an archipelago of coral atolls located north of the Maldives in the Arabian Sea, enjoys universal literacy and is entirely free of crime.

US assistance in these areas, along with help in modernizing Pakistan's armed forces, could have been a legitimate quid pro quo for Pakistan's not only withdrawing support for cross-border (or cross-LoC) terrorism—which has ebbed and swelled almost predictably with the political fluctuations within the state—but also actively discouraging such incursions.

Scholars have argued that no level of defensive action by India along the LoC can stop infiltration as long as terrorist groups continue to enjoy Pakistan's support. Praveen Swami pointed out in 2003 what was common knowledge: 'Pakistan media accounts make clear that official support for far-right terrorist groups persists, despite Musharraf's repeated promises to the United States government. Most of the Islamist far-right organizations and publications banned in the wake of September 11, 2001 are now operational again, albeit with new labels.'[7] Calling a halt to infiltration as promised in the Additional Protocol to the SAARC Regional Convention on Combating Terrorism (2004)[8] would not only have strengthened the international war on terror, it would also have brought relief to the Kashmiri people, whose champion Pakistan claimed to be, but who had become the principal victims of what came to be termed, in Indian officialese, 'proxy war'.[9]

In the meantime Pakistan was confronted by a security paradox of its own. Pakistan was virtually forced into an alliance with the US in that country's military intervention in Afghanistan in September 2001. Ironically, in the words of a young Pakistani researcher at the Joint Special Operations University in Florida, Haider A.H. Mullick, Pakistan 'would go after Al Qaeda ruthlessly, but selectively target—and in later years abet—the Afghan Taliban in the hope of rekindling strategic depth vis-à-vis India under the blanket of its strategic spread'.[10] So, while providing conditional support to the US in its campaign to counter terror in Afghanistan, there was little let-up, save cosmetic, in Pakistan fomenting terror targeting Kashmir.

Though its major resources are being squandered, Kashmir, in the early years of the twenty-first century, has economic potential that can be realized through several different paths. A bid must be made to encourage investment that will generate economic activity. The US can play a role in building the groundwork for such resolution.

On the other hand, the Indian government's policy has been a sustained determination to discourage any external presence in Jammu and Kashmir. The first World Bank project there was introduced only in 1977, with a view to capitalize on the state's rich horticultural

resources and by modernizing post-harvest facilities, designed to make this a competitive industry on the global market. After the outbreak of insurgency in 1989–90, government policy became even more insular. A modest World Bank-financed project, under the Integrated Watershed Development Programme, was initiated in 1999 to promote subsoil moisture conservation in an effort at regenerating the forest cover; this project made little impact. Those who expressed interest in financing rehabilitation and relief were talked of in India's ministry of external affairs as 'busybodies'. USAID received a positive response from exploratory discussions within the state at the level of the state's then chief minister Mufti Sayeed, but was rebuffed by the Government of India. As the rest of India moved towards greater openness to foreign economic investment, Jammu and Kashmir remained closed. There have been calls that India hasten the opening up of its economy,[11] but such calls did not extend to the state of Jammu and Kashmir. Even though the Asian Development Bank (ADB) made some investments in Kashmir in 2004, the objectives for investment were limited to building urban infrastructure, roads and bridges, none of which created any demand for the educated but unused—and increasingly frustrated—resource of Kashmir's youth. The ADB suggested that the state also use financing for water supply, sewage and drainage and solid waste treatment. But this in itself will not generate employment for the educated.

Closing the economy to international investment adds to the commerce-friendly Kashmiris' feeling of being imprisoned, a factor that had fed the insurgency in 1989–90. At that time, the feelings of resentment against the government were widespread but amorphous. Many angry young men whom I spoke to at the time said that being part of India had prevented them from becoming part of the global market—the yearning for international participation was palpable. This anger has persisted. Kashmiris need to understand that independence does not necessarily bring economic freedom; economic freedom can be enjoyed most effectively by continuing to be part of a larger economic entity such as the Indian nation, increasingly looked upon by the world as a major emerging international economic force. But India needs to recognize that an insular, defensive mindset on Kashmir can only contribute to a sense of frustration that, given the history of

the region and the Kashmiris' present status, will eventually be directed against the Indian state—as was witnessed in June of 2010.

Investment could energize the state's economy in the areas of watershed development: the timber industry—which would need to be preceded by investment in restoring forest cover—fruit processing and power generation. Working with the governments of India and Pakistan, institutions such as the European Union, the World Bank and the ADB could undertake post-conflict restoration, not only in terms of finances but also by engaging some of the world's leading minds to help design investment programmes.

There are several ways to achieve this investment. One alternative is that these institutions of multinational finance make advances for investment, which would be drawn down through the Union government. This would not tread on nationalist sensibilities or require an overhaul of present government practice.

The Government of India has had a ministry of disinvestment since 1999 that was dormant awhile after the ascendance of the Communist-supported Manmohan Singh government in 2004. But it continues to and could, in consultation with organizations such as the World Bank, draw up a plan to ensure that social and environmental mitigation is taken into account. The state government could set up the necessary regulatory authorities with representation of all stakeholders, including the World Bank and the ADB. These banks have much experience in lending in areas of infrastructure, including water supply and highways. In Central Asia, the World Bank has contributed to building capacity and to mainstream environmental concerns.[12] It can now consider an allocation set aside for India- or Pakistan-administered Kashmir, as in the World Bank's Post-conflict Fund. The state government initiated promising discussions with the ADB with a reconnaissance mission to Jammu and Kashmir in January 2004. The ADB promised to earmark $300 million, with each project proposed to be financed under a post-conflict loan, but progress on this front has opened employment mostly to migrant labour.

Economic revitalization for Jammu and Kashmir will be an exercise in identifying players who could be sources for project finance and developing a framework to integrate the efforts of key stakeholders, including governments, multilateral and bilateral donors

and the private sector. Institutional development usually necessitates long-term commitment with the flexibility to respond to changing opportunities and problems. Extensive participation by heterogeneous local stakeholders is of key importance. Domestic banks have a role, although the overall strategy may need to go beyond domestic finance, not only because of a higher demand for investment but also because of the need for the expertise that comes with it. International banks could therefore be invited to participate.

Access can also be built to capital markets and export credit agencies for use over the long term. In the shorter run, and before reaching the stage that can come only when there is a restoration of orderly civil governance in the state, India's development banks, such as the Infrastructure Development Finance Company (IDFC, set up in 1997), supplemented with foreign aid, can begin to finance such activity. Organizations such as USAID have explored possibilities in this area. Leasing companies and project beneficiaries can be identified to ensure a wider sense of participation and monetary circulation.

Basic to implementation of such a plan is the concurrence and active support of both India and Pakistan. The Indian government must take the lead in promoting development finance in the fields of infrastructure, which will then feed and sustain investment by private players in industry in future decades. To this end, the Indian government has taken steps for a regeneration and reconstruction of infrastructure for Jammu and Kashmir in India's Planning Commission, the supreme government authority administering development. I have mentioned the prime minister's economic package of 2006, which was the framework. Worth Rs 35,000 crores, however, this package had yet to show palpable results on the ground even by 2010, when it was sought to be reinvigorated in response to the widespread agitation that marked the months of June–September that year. This project can be extended so that all stakeholders—particularly the youth of the state—even those in the remotest villages, can become participants. A synergetic approach, including training, skill acquisition and working together to revitalize their habitations would ease access to regular employment. Such schemes have been initiated under the UNDP in Kosovo, the Balkans and most successfully in Bulgaria. If decisions made at the 2004 SAARC Summit can yet bear fruit, and relations between

India and Pakistan mellow, businesses from all parts of South Asia could be invited to participate. An international organization would have to initiate measures to attract international financing to facilitate Kashmir's return to economic vitality. To do so, it might commission Indian financial institutions such as the IDFC, headquartered in Mumbai, to draw up detailed plans for financing development with the governments of India, Jammu and Kashmir, and Pakistan.

A sustainable peace can only come with economic cooperation. Pakistan's high commissioner at the time, Aziz Khan, speaking at a meeting organized by a peace group in Kolkata on 9 December 2003, said, 'We firmly believe that Pakistan and India are not destined to live as adversaries forever . . . We need cooperation and not confrontation.'[13] If that is indeed to be the spirit of the relationship between the two countries, the future holds promise. It was recognized, notably in the SAARC summit of 2004, that it was necessary to remove barriers to the cross-border flow of goods to achieve high levels of trade and economic cooperation in the region. The international community could be a friend in need.

But will the agreements made, and continuing dialogue between India and Pakistan, however erratic, bring resolution? Do they address the issue of azadi? Will the people's aspirations be met? The history of the twentieth century is replete with examples of the formation of new states and the dissolution of existing ones, particularly across Europe and into Central Asia. Such change has rarely been peaceful. Nor can the modern concepts of sovereignty be challenged with impunity. But if freedom is the choice of a people—and I know it to be the dream of every Kashmiri—Kashmiris must be left to live their lives as they wish, to be governed by a political leadership of their choice, with a legal and administrative structure that adheres to their own social and economic needs. The Constitution of India guarantees them as much.

Drawing attention to the changed economic environment in a world of globalization, Strobe Talbott calls for resolving conflicts based on a yearning for self-determination by combining 'the promotion of democracy on the part of the central government with an effort to help would-be breakaway areas benefit from cross border economic development and political cooperation'.[14] In Kashmir, all the ingredients for resolution exist. Opening up the borders with Pakistan makes no

demands on concepts of sovereignty. Travel and trade can only enrich the people on both sides and build the relationship between India and Pakistan, bringing the persistent conflict to an end.

And this brings me to the concept of azadi. The state of Jammu and Kashmir is not the only, or even the first, of India's states to have spawned a separatist movement. These movements have been a part of India's evolution from an empire into a viable multi-ethnic nation. The first major challenge to India's sovereignty after Partition came from the state of Madras (now Tamil Nadu). In the 1967 general election, after the outbreak of violence against the imposition of Hindi as India's national language, the Dravida Munnetra Kazhagam (DMK) was elected to the State Assembly of Madras, supplanting the centrist Congress party, on the election platform of secession. The founder of the Dravida Kazhagam, which became the DMK, was Periyar E.V. Ramaswami Naicker, who had called for an independent Tamil Nadu at a speech in Thiruvallikeni Beach in Madras as early as 1938, where the demand was received with thunderous applause. In 1968 the chairman of the Coimbatore Students Anti-Hindi Agitation Committee hoisted an Independent Tamil Nadu national flag in Coimbatore.

There have also been ongoing secessionist movements in states in north-eastern India, including Nagaland, Mizoram, Manipur and Tripura, with the Assam agitation in the largest of these states, led by the All Assam Students' Union, taking the form of communal carnage in 1982–83. The violent demand for a separate Sikh nation of Khalistan convulsed the north-western state of Punjab during 1978–93 and was championed across the world by the Sikh diaspora, tarnishing India's image abroad and in its own eyes. Although anger with the Central government and with the state governments—seen as its agents because of the dominance of centrist parties in India's body politic—has taken different forms, problems of identity have been central to all these movements. As in Kashmir, religion and ethnicity were issues for nationalists among Sikhs, who represented 63 per cent of the population in India's Punjab state, and among Christian Nagas and Mizos of the north-east.

Kanti Bajpai, a perceptive student of India's democracy, sums up India's management of such conflicts:

> The government's response to violence in the borderlands has followed a consistent pattern: first, to enter into negotiations in which it gives little away; and second to use force in massive, sustained military operations ... From the government's perspective, peace accords have usually been negotiated from a position of strength. Interestingly however these accords generally meet many of the demands of the rebel groups.

Bajpai concludes that although the Indian government has a mixed record in dealing with India's ethnic problems, 'its reliance on constitutionalism and state-backed secular nationalism . . . has preserved India's unity and its democracy. This is no small feat'.[15] Even more significant is the use of force, which has succeeded in suppressing violence and even defeating it, although at great human cost. But what characterized resolution in all cases was that peace came lastingly only through a democratic process and the growth of a feeling among affected people that they were once more in charge of their own lives.

In a similar ongoing effort at resolution, the negotiations between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) on the issue of a Tamil state stalled in 2003 on the issue of whether the relationship between the new state and the nation would be federal or co-federal. Also vexing was the issue of whether the east, with a large Muslim and Sinhala population, would be part of the new state or autonomous. In Sri Lanka, the leadership of a de facto independent state viewed the Central government as an institution that had repeatedly reneged on its commitments to the Tamil leadership.[16] But that leadership was rapidly losing its support base, particularly in the motherland of India's Tamil Nadu. Resolution was therefore a compulsion for both parties. In the end, of course, by May 2009 the LTTE, perhaps the world's deadliest terror group, had suffered military rout. But this was at a high cost of life and human suffering.

In India, the wound in Kashmir could continue to suppurate indefinitely, weakening but not crippling the countries involved. Neither India nor Pakistan is required to negotiate with Kashmiris from a position of weakness. Why should they bother, then, once India and Pakistan resolve their own differences? I believe that, to be true

to itself, India must concede to the people of Jammu and Kashmir the liberty that is the right of every Indian citizen. Simmering resentments in Kashmir will render any abiding peace elusive, just as they nullified the resolution almost arrived at in the Simla Agreement.

The Constitution of India opens with these words:

> WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute
> India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:
> JUSTICE, social, economic and political;
> LIBERTY of thought, expression, belief, faith and worship;
> EQUALITY of status and of opportunity;
> and to promote among them all
> FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation
> IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November 1949, do
> HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

If Kashmir is to be treated as 'an integral part' (referred to in Hindi as *atoot ang*) of India, India must adhere to its Constitution and the Kashmiris should be allowed to enjoy the freedom—call it 'azadi' if you will—that is guaranteed to them by that Constitution. What, then, is the form that this freedom can take, and how can it be brought about?

India's Constitution can be described as a federal constitution with a unitary bias. This pervasive hangover of Partition was necessary at the time of Independence because it was in keeping with the legacy of the freedom movement, which sought to project India as a modern, unified state. Post-Partition, Indians believed that any laxity in that unity could be compromised in a country as diverse as India. Many, including Great Britain's former prime minister Winston Churchill, were dismissive of India's capacity—as a poverty-ridden state with a literacy level of 11 per cent—to survive as a democracy or, indeed, as a nation, defying as it did all European assumptions of what constitutes a nation. Yet, India's unity and a sense among its people of being Indian have only grown.

However, since the Linguistics Provinces Commission, or Dar Commission, was set up in 1948, India has, under the demands of its diverse peoples, been questing for means to give them a greater voice in their government. The States Reorganization Commission, set up in December 1953, laid down four principles for the reorganization of India's states. The foremost principle was the integrity of India, followed by cultural and linguistic homogeneity; financial, economic and administrative efficiency; and compatibility with economic development. A number of India's states have indeed undergone reorganization under these principles. Jammu and Kashmir, never homogeneous, was never reorganized, because the princely state held by India could not be reorganized without de facto abdication of the claim to the part of the state held by Pakistan. In addition, Jammu and Kashmir was governed under a special article of the Indian Constitution, Article 370, which requires the state's own legislature to approve reorganization.

Decentralization has proceeded throughout the rest of India. The Seventy-third and Seventy-fourth Amendments to the Constitution brought about a paradigm shift, taking self-government down to the village level and giving a constitutional framework to elected village and municipal councils that can administer development activities and raise financial resources, bringing political administrative structures to the villages.[17] This is a direct result of India's growing self-confidence and diminution of apprehensions that its unity will be compromised by such decentralization. As a result, there is a diversity of development models of village and town councils across the country, with increased power flowing to village legislatures in West Bengal, Kerala and Madhya Pradesh. In the states of Maharashtra and Gujarat, also with well-developed systems of village councils, the same laws have allowed increased control by the state authority.

These amendments were not applied to Jammu and Kashmir because that state has a separate constitution. Yet that fact itself has allowed the state to adopt the principles of decentralization. Reforms of 1976–77 crafted by Sheikh Abdullah's government decentralized investment of development finance at the district level with the appointment of district development boards. However, these were nominated bodies of government and therefore controlled by the ruling political authority—the adaptation required no major change in structures.

In 1989 Jammu and Kashmir enacted legislation on Panchayati Raj, which preceded India's Seventy-third Amendment. The Seventy-third Amendment calls for decentralization of governance to a three-tiered structure of elected councils: the village, intermediate and district levels. A similar if not identical concept could be developed in the diverse regions of Jammu and Kashmir, with the village council being the basic elected institution, a council at the district level and an elected body at the regional level, giving each level a sense of self-governance conforming to its own distinct needs. This, then, is where I recommend that the people of Jammu and Kashmir apply themselves to making azadi—or freedom to govern oneself—a living concept. Local autonomy down to the level of village councils would be a safeguard against tyranny of the majority, in a region recovering as it is from an era of traumatic violence, thus addressing the apprehension in many of the state's widely differing regions and ethnic groups that the state's autonomy will spawn Kashmiri dominance in government.

But would this decentralization not mean simply that the exercise of power and resultant patronage would be disseminated from patrons in the capital city to local areas? And would not the recent experience of the state—with the rise of local thugs capitalizing on their relationship with omnipresent security forces—lead inevitably to such a consequence? India has devised an answer in the Right to Information Act of 2005. Jammu and Kashmir also passed a pretended right to information law in 2004, with insipid content and no provision for enforcement, which passed unnoticed by an alienated public and even by the bureaucracy that it purportedly sought to make accountable. The Jammu and Kashmir Right to Information Act, 2009 replaced the Jammu and Kashmir Right to Information Act, 2004 and the Jammu and Kashmir Right to Information (Amendment) Act, 2008—a feeble attempt at seeking to strengthen the law by the government of Ghulam Nabi Azad of the Congress, under pressure of his party leadership ruling at the Centre. Omar Abdullah made this an election plank in 2008 and his National Conference-led coalition government, elected to office in 2008, initiated the process of bringing a law closely modelled on the Right to Information Act passed by India's Parliament in 2005.

India's Right to Information Act, 2005 in its statement of objectives recognized that 'democracy requires an informed citizenry and

transparency of information, which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed'.

Freedom of access to information is increasingly regarded as the signature theme of democracy. But is this a Western concept, alien to an Oriental ambience, and more so to a feudalistic state polity? The evolution of the concept as such is dated from 1766. In that year Sweden, of which today's Finland was then part, included the freedom of information in Sweden's constitution. But Sweden was at the time a feudal state, far behind India in terms of GDP. And the inspiration for Sweden came from China.[18]

In South Asia, Pakistan, then under military rule but with democratic pretensions, was the first to enact a Freedom of Information Ordinance in 2002. Nepal followed India's initiative in calling theirs a Right to Information Act adopted by a democratic government in 2007. Indonesia followed with a Freedom of Information Act in 2008, with Bangladesh adopting an RTI Ordinance of October 2008 while still under military rule, drawing extensively upon India's Act, as that country's government paved the way towards restoration of democratic rule. But the Kashmir law, despite having come into force in 2009, stagnated for want of an enforcement agency taking office because of the prolonged inability of the coalition government to agree on the names of nominees.

The constitution of Jammu and Kashmir, adopted in 1956 and accepted as part of the Indira–Sheikh Accord of 1975, has been described as being so eroded as to make it meaningless. To the Kashmiris it certainly seems so, even though it has safeguarded the state from demographic incursion over the past half-century. It has also conserved the social structure by preserving the concept of personal law—descended directly from pre-Islamic practice—from being supplanted by India's uniform Muslim Personal Law of 1933, which is in conformity with Islamic Hanafi Law. Moreover, the constitution is subject to amendment only by the State Assembly even within the framework of the Indira–Sheikh Accord. Although this accord envisioned change to bring the constitution into conformity with the Delhi Accord of 1952, the very fact that the state has a constitution of its own makes the constitution a potential instrument for change. Hill development

councils were established and welcomed in each district of the far-flung region of Ladakh as a response to unrest in Leh in the 1990s. These councils could serve as a model for the rest of the state.

If Kashmiris feel they have been deprived of freedoms to which they are entitled, they have recourse: a constitution of their own, which would be theirs to mould. To allow them the fullest access to this recourse, India must move farther down a path already embarked upon: ensuring open elections to enable the unimpeded participation of all elements of the political spectrum in the state. This appeared to be the promise of the elections of 1977, but that hope was extinguished in 1987. But the elections since the dawn of the twenty-first century have been applauded for their openness. Dialogue between the Indian establishment and the separatists has since then been moving, albeit in fits and starts, in the direction of ensuring public ownership of governance; the institutional electoral set-up in India is its surest guarantee.

In his preparations for the 2002 State Assembly elections of Jammu and Kashmir, India's chief election commissioner, J.C. Lyngdoh, was aware that not only those in authority had to be satisfied that the elections were above reproach. The people of the state needed to be so convinced. He argued that actions had to match words. Lyngdoh was therefore open in his criticism of the state government, not sparing the aspiring chief minister Omar Abdullah, whenever he felt the authorities came close to taking the independence of the commission for granted.

To be seen as entirely 'free and fair', elections cannot be conducted in a charged atmosphere with heavy security deployment. Such deployment and its consequences have given Kashmiris the feeling that even if they vote, they are not exercising choice. This point weighed heavily with dissidents who refused to participate in the 2002 elections. During discussions with political representatives in Srinagar, Lyngdoh found an overwhelming fear of organizations such as the police task force and the Special Operations Group, which had already begun bullying, intimidating and harassing potential voters. Transparency was not forthcoming.

Although the independent functioning of the Election Commission of India was well established in the country as a whole and lauded across the world, it was not so in Kashmir, whose people looked upon

the commission as an organ of the Central government. I had visited Srinagar at the time—encouraged by Bubbles Dulat, the security adviser to Prime Minister Vajpayee—to meet the separatist leadership, seeking to persuade them if not to participate in the elections themselves, to encourage such participation by the public. I had reasoned that petitions of the State Assembly, in case this leadership could win control, will have greater credibility because the voice of the people, rather than agitations of groups claiming public support without a substantive basis, will get heard. And because of these doubts, the APHC's executive council—meeting to discuss its participation in the Assembly elections of 2002—agreed on the need to establish its claim of being the Kashmiris' representative through an election process. It authorized Yasin Malik to propose an impartial means of doing so. Malik proposed setting up APHC's own election commission, with a membership of unquestioned integrity to be chaired by Dr Karan Singh. This initiative, unrealistic though it was, could have been a starting point for participation in the state's political activity, but it was scuttled by the ruling National Conference precisely for this reason. The JKLF, a splinter group of Sheikh Abdullah's Plebiscite Front that drew its political objectives from the 1944 Naya Kashmir manifesto of the then National Conference, was chaired by Malik and perceived as a special threat. He was arrested on the grounds that a lady travelling from Jammu en route to Srinagar was supposedly carrying foreign money for him. This charge could not be established in the courts, but the arrest at a critical period prevented any further movement in this direction. The State Assembly elections in October 2002 led to the fall of the National Conference government, but because not all sections of Kashmir's political leadership participated, results could not be claimed to represent popular sentiment.

Although the Election Commission established some credibility with the elections of 2002, the credibility remained fragile. Had enough been done to restore the trust of a traumatized people? With the announcement of the results of the State Assembly elections of 2008 one thing became clear. Democracy had triumphed. And what was also clear was that elements usually dismissed as separatist had, despite the call of the separatist leadership, in fact participated in this process with one group or another lending its weight to one or other of the contending parties. Was this an echo of my arguments of

2002? A test of impartiality to pave the way for possible participation in future elections?

The separatists would not talk of this openly, but at least one former supporter and close associate of the Hizb-ul-Mujahedeen—who had been a minister in Mufti's government and was re-elected in 2010—confided in me that he had participated in the process to ease the entry of his friends from the separatist group into state politics. He claimed to have the tacit support initially of Syed Salahuddin himself, who, he claimed, recognizing the facts for what they were, was anxious to arrive at a working relationship with the Government of India.

In the enveloping gloom that had beset all Indians in consequence of the terrorist attack on India's glittering commercial capital, Mumbai, on 26 November 2008, Kashmir coruscated as a beacon of light, a triumph for democracy. Across the country, Indians reacted in different ways to the unexpectedly large participation—over 61 per cent—of Kashmir's people in the Assembly elections. This happened without coercion from any side, save a boycott call by the separatists, a formality stemming from their need to reassert their separatist credentials which was sought to be enforced by persuasion without resorting to violence.

National and international election monitoring has become increasingly common practice, serving several objectives, one of which is to establish legitimacy within a society facing challenges. It is a prescribed recourse in post-conflict situations or in the case of a power shift.[19] In the case of Jammu and Kashmir, election observation would be an effective means of conveying the message of Kashmir's freedom of choice to the world. If Pakistan should hold a similar election in the areas under its control, this pattern could be replicated. Because monitoring of elections even in established democracies is now accepted, this practice need not be regarded as a slur on India's transparency in election procedures but rather an attestation to it. And to make elections truly convincing, India and Pakistan could employ the Code of Good Practice in Electoral Matters, drawn up by the European Commission for Democracy through Law, an organization of jurists of the Council of Europe.[20]

True freedom in Jammu and Kashmir cannot be won for the Kashmiris by independence, battling for which would bring even more suffering and would be unacceptable to both India and Pakistan.

One idea for resolution in the area is that India and Pakistan retain sovereignty of the portions of the state that they now control, with the Valley of Kashmir, the hub of the separatist movement, becoming independent. Even if this idea met Kashmiri aspirations to freedom, Kashmir is, aside from its peerless beauty of valley and mountain, no Switzerland. Sheikh Abdullah's assumption, expressed to Josef Korbel in September 1948, still holds true. Because Indians generally recoil at the mention of azadi by Kashmiris, the details of what it means to Kashmiris are undetermined. Kashmiris themselves are unable to come to an agreed understanding of what they mean by azadi and generally argue only that it means 'independence'. But an independent state of 5.44 million people occupying 8,500—mostly mountainous—square miles, located in one of the world's most volatile regions amid rival nuclear powers and a number of smaller states in conflict, with potential oil wealth, is hardly likely to be left free. Dictatorships and quislings are inevitable. Yet, the ingredients for the exercise of real freedom are present in the existing framework in India because, over the years, India's constitutional framework and institutional machinery have evolved to allow freedom.

With elections to local governments in 2005, Pakistan, under its National Construction Board, took its first steps along this same road. By 2008, despite the tragic assassination of its aspiring prime minister, Benazir Bhutto, Pakistan was, with the active encouragement of its ally the US, able to bring to an end another long flirtation with military rule and stood poised for greater democratic governance. Pakistan could then move towards allowing greater freedom to its constituent units.

In 1953, in pursuance of the Delhi Accord, the Sheikh instructed the Basic Principles Committee of the Constituent Assembly of Jammu and Kashmir to examine the possibility of greater autonomy within the already autonomous state for its diverse regions, which Josef Korbel described as the 'atomization of Kashmir'.[21] Overtaken by events, this endeavour failed to actualize; it was attempted again by the Jammu and Kashmir State Assembly's Autonomy Resolution of 2000, which was never enforced. Both these initiatives were never the subject of widespread political debate or the result of internal consensus within the state. But if democratic means are followed with sincerity, such an initiative could be the midwife for a new birth.

Although, because of the term's now tainted history, 'autonomy' has come to be regarded by the Kashmiris with suspicion. I agree with Robert Wirsing that 'autonomy cannot be relied upon . . . as the principal catalyst to usher in a new future for Kashmir';[22] but, if taken together with an understanding between India and Pakistan to respect the aspirations of the people of Jammu and Kashmir and their movement in that direction in an atmosphere of cordiality, it would be an indispensable catalyst for achieving freedom.

Freedom can be achieved while retaining the territorial integrity of both India and Pakistan, with the present boundaries becoming soft borders. If trade and travel are indeed restored between all areas of Jammu and Kashmir, together with the adoption of proposed governing institutions by all sides, conflict could be eliminated. Civic nationalism[23] is demanded: transparent and accountable self-government down to the village level addresses the sensitive issue of internal autonomy in a multi-ethnic state. If the people of the entire state can begin to feel that they have charge of their own lives, surely that will make azadi real.

> And that blessed word with no meaning—who will utter it?
>
> What is it? Will the women pronounce it, as if scripturing the air, for the first time? Or the last?
>
> Srinagar hunches like a wild cat: lonely sentries, wretched in bunkers at the city's bridges, far from their homes in the plains, licensed to kill . . . while the Jhelum flows under them, sometimes with a dismembered body. On Zero Bridge the jeeps rush by. The candles go out as travelers, unable to light up the velvet Void.
>
> What is the blessed word? Mandelstam gives no clue. One day the Kashmiris will pronounce that word truly for the first time.
>
> —Agha Shahid Ali[24]

8

WARP AND WEFT

With a thin rope of untwisted thread, Tow I ever my boat o'er the sea.
Will God hear the prayers that I have said?
Will he safely over carry me?
—LALLA DED, FOURTEENTH CENTURY (TRANSLATED BY R.C. TEMPLE)

Participating in a group discussion on NDTV's *We the People* in March 2006, Mehbooba Mufti, president of the People's Democratic Party (PDP), observed, while lauding India's Muslims, that she had seen Chechens, Sudanese, Indonesians and Pakistanis but not a single Indian 'fighting alongside the Kashmiris'. The remark passed unnoticed by the usually sharp Barkha Dutt, host of the programme, and by the press in general. What did Mehbooba imply? That Kashmiris were not Indians? That Kashmiris are in a state of war? Or was this comment a mere faux pas? Coming from the leader of a political party that had actually ruled the state for three years, and continued thereafter also to be the principal opposition, the comment demands to be understood, for the sentiment it unwittingly expresses holds the key to understanding the Kashmiri mind.

In concluding his brief but masterful *Roots of Terrorism*, Kanti Bajpai addresses all Indians when he ponders:

> We cannot expect the cult of violence in the borderlands to be extirpated when our own imaginations are suffused with thoughts of

> violence as a way of resolving social conflict. Some of the very people who decry violence in the borderlands have found a way to excuse or extol the pogrom in Gujarat in 2002. Those who are not made uneasy by the anti-Sikh riots in 1984, the destruction of the Babri Masjid in 1992, the Mumbai riots of 1993, the street celebrations when India tested five nuclear devices in Pokhran in 1998 and human rights violations by our governments dignify the growing affinity for violence in our society, an affinity which rationalizes terrorism. In de-legitimizing violence, it is not just, or even primarily governments that must exert themselves; it is all of us as practical and concerned citizens.[1]

In the introduction, I cite Josef Korbel's explanation for the 'uncompromising and perhaps uncompromisable struggle' that he saw in 1954 as the root of the hostile relationship between India and Pakistan. In 2003 Praveen Swami wrote:

> To understand the violence in Jammu and Kashmir simply in terms of events specific to the state is to ignore its location in history. In key senses, the conflict there is merely part of a larger conflict between profoundly ideological notions of nationhood, between India's sense of itself as a secular democratic project, however flawed, and between Pakistan's problematic *raison d'etre* as a nation made up of *all* of South Asia's Muslims.[2]

How valid is Pakistan's obsession in today's world of globalization? Will the economic compulsions of a geographically contiguous land mass dilute such dated preconceptions? And are these preconceptions truly dated? Jerry Z. Muller, professor of history at the Catholic University of America, writing in the prestigious American journal *Foreign Affairs* as recently as in the March/April 2008 issue, has been at pains to argue that while Americans generally belittle the role of ethnic nationalism in politics, it corresponds in fact to some enduring propensities of the human spirit. It is galvanized by modernization and, in one form or another, it will drive global politics for generations to come. Remarkably, in spite of the lessons that should have been gleaned from the hideous consequences of India's Partition and India's own success as a multi-ethnic state staring the world in its face, Muller can yet bring himself to contend that

> Partition may thus be the most humane lasting solution to such intense communal conflicts. It inevitably creates new flows of refugees, but at least it deals with the problem at issue. The challenge for the international community in such cases is to separate communities in the most humane manner possible: by aiding in transport, assuring citizenship rights in the new homeland, and providing financial aid for resettlement and economic absorption. The bill for all of this will be huge, but it will rarely be greater than the material costs of interjecting and maintaining a foreign military presence large enough to pacify the rival ethnic combatants or the moral cost of doing nothing.[3]

Muller has entirely evaded the genesis of such 'intense communal conflicts' among a people used to abiding for centuries in interdependence. These have always and inexorably been a consequence of failure of dialogue, because, as India has proved, the exercise of the fullest freedom within a larger entity is the better path to prosperity, while the fruit of partition is only bitterness and continuing conflict.

The movement, however hesitant, towards a structured dialogue between India and Pakistan, starting with the initiative of India's Prime Minister I.K. Gujral in 1997, and its development into what has been described by the leaders of both India and Pakistan as an 'irreversible' process towards resolution, despite the many rude interruptions encountered since, points to possibilities outside established paradigms. To arrive at a resolution, the dignity of all individuals must be respected. My understanding of Kashmir is that its people—Shia or Sunni Muslim, Hindu, Sikh, Buddhist—crave little more.

Kashmir's beauty today is suffused with a palpable sadness. A young Kashmiri commented to me in early 2004 that he had never before seen hatred for India grown to its degree at the time. His uncle, a highly respected doctor, was shot and killed by the BSF while driving with his wife in Srinagar in 1992. Perhaps there is no Kashmiri family that did not suffer in the troubled closing decade of the twentieth century. Even those who remained aloof and sheltered from the turbulence, have at the very least suffered loss or damage of property. I have spoken of the great social cost of these years of conflict. Those born and brought up in that time have seen the face of governance mostly in the security forces, loosely referred to in local parlance as 'military', and

their own vigilante police. Young people have acted as couriers and messengers with no regard to the physical risk to themselves, to earn a negligible monetary profit. The maidservant at our home in 1999 complained to my wife Shahila that her son had gone missing. But at the same time she pleaded that police help not be sought because she was unsure where he might be. It was finally learned that the boy had been undergoing training in the use of firearms for a reward of Rs 1,000. And so a society lauded and sometimes chastised for being too submissive is today—under what has from time to time appeared to be a placid exterior—being hardened by an unforgiving youth. And it was only many years later that I finally sensed the cause of the hatred that the young man referred to; it arose from a conviction that, for reasons I describe in the final chapter, India would never allow the Kashmiris to be equal participants, either in its democratic institutions or in its dramatic economic growth.

Sheikh Mohammed Abdullah was a nationalist in the mould of the Italian revolutionary Giuseppe Mazzini, according to whom every people that considers itself a nation should have an independent country to call its own so that it may develop its distinct identity. In that nineteenth-century tradition, nurtured and propagated across Europe by France's revolutionaries, Kashmir could be seen as a nation. Yet that concept proved the death knell of the multi-ethnic states of the early twentieth century in Europe—the Hapsburg monarchy and the Ottoman Empire[4]—and its consequences have continued to plague Europe and the Middle East. The very concept of India's nationhood negates that tradition, particularly in its application to a post-colonial world, vitiated as it has been by a European experiment in nation-building. By the twenty-first century, India's endeavour has been reinforced by the concept of globalization, compelling people to understand one another so that they might live together, do business and prosper.

I have sought to show here that the time is ripe for resolution in Kashmir. Vijay Sazawal is a Pandit of the Kashmiri diaspora in the US who has been president of the Indo-Kashmir Forum. After attending a 2004 meeting at the US Institute of Peace (USIP), titled 'Economic Pathways to Normalization in Kashmir', he wrote:

> To me, quite frankly, the greatest satisfaction came from Mumtaz and Salman [two Kashmiri Muslims living in the US attending the meeting] and I touching a harmonious chord. As much as experts have a desire and interest to propose solutions, let us hope that they will respect the 'natives' for defining the problem.[5]

Resolution must then come from within, transcending the narrow European idea of nationhood. So I have argued that the people of the entire state be given the freedom to work together, with all their multiple characteristics, to find a better life for their future and for the future of those to come, for it is in their minds that the battle was joined, and it is there that it must be won or lost. But in a state as diverse as Jammu and Kashmir, and with the breakdown that has stricken Kashmiri society since the 1990s, will the full play of democratic liberties bring only majoritarianism and intolerance of groups different from the majority? Is not the fate of the State Autonomy Resolution of June 2000 evidence of that susceptibility?

I am not a Kashmiri, and I would not be so presumptuous as to propose a prescription for the resolution of this tragic conflict. Proposals within India and Pakistan offer suggestions on what form that might take. The Kashmir Study Group, established by expatriate Kashmiri and American businessman Farooq Kathwari, has sought to chart a road map, and Kathwari's ideas have found many takers among the Kashmiri leadership, particularly the Hurriyat. Yet, specific proposals, other than the deeply flawed Autonomy Resolution of the State Assembly in 2000, have been few. In my discussions with thinkers among the separatist leadership, I found suggestions for stopgap measures, such as greater respect for human rights and release of prisoners. But there was no clarity and little agreement on what these measures are meant to ultimately achieve.

To create a self-governing state, the people of the state must see that government as something they have given themselves and one that Pakistan and India have agreed to, not as something conferred on them by either or both countries. But both these countries must exercise their rights to insist that whatever form is arrived at does not give participation to only a few or is subject to majoritarianism. For years, India has allowed the undemocratic governance of the state by a

favoured elite that skilfully played on fears that full democracy would lead the Kashmiri people to gravitate towards Pakistan. This is borne out by the manner in which elections were repeatedly conducted in the first three decades of India's democratic evolution, when it countenanced the flagrant violation of constitutional norms resorted to in Kashmir—an action that would otherwise never have been tolerated in any other part of India by India's growingly assertive civil society. The tragically unfounded suspicion of Kashmir's inclination for Pakistan lies at the root of what went so wrong in the 1980s.

In 2006 Prime Minister Singh asked Sajjad Lone, son of Abdul Ghani Lone—who founded the separatist People's Conference and was assassinated in his quest for compromise in 2002—to write down the goals sought by his movement in engaging with the Indian and Pakistani leadership. On the anniversary of the assassination of the elder Mirwaiz Farooq, which corresponded with the date of the assassination of his own father, Lone responded by publishing *Achievable Nationhood*, a vision document on resolution of the Jammu and Kashmir conflict.[6] Inspired by the Northern Ireland solution, *Achievable Nationhood* calls for a body of representatives elected from all parts of Jammu and Kashmir to arrive at a settlement on the lines of the Good Friday Agreement. Although privately circulated, and criticized for addressing only the Kashmir Valley's aspirations, it was a welcome initiative in opening public discussion as the people of the state mull the potential courses that Jammu and Kashmir might adopt. The same checks and balances that attended the framing of India's Constitution must be ensured in Jammu and Kashmir. This will require the development of institutions without which democracy becomes illusory. Human rights and transparency in government are key, but opposition to these concepts is entrenched in the state's political intellect. The state Human Rights Commission has consistently complained that it has been rendered ineffective by being starved of financing, or simply ignored, even though its annual reports are placed before the state legislature:

> The Commission has so far submitted four Annual Reports and is now submitting the 5th Report as is envisaged under sub-section (1) of Section 12 of the Act. The Annual Reports so far submitted have been laid before each House of the State Legislature by the Government

without the memorandum/action taken or proposed to be taken by the Government on the recommendation, if any, as is envisaged under the Statute in this behalf[7] [emphasis added].

This complaint has persisted through every government thereafter. In late 2005 the state government set up a State Accountability Commission to check government corruption and also uphold human rights. By March 2006, the commission had received 919 complaints, but it quickly lost steam, possibly because it put political leaders and senior bureaucrats under increased public scrutiny. Respect for human rights is basic to a democracy, and the world today is replete with examples of institutions established in post-conflict environments for ensuring human rights, such as South Africa's Truth and Reconciliation Commission, which has been active since April 1996. Once peace is restored, there can be no closure without addressing the need for forgiveness. All parties to the Kashmir conflict will have to learn to live with each other after the ravages of nearly two decades of strife. The culture and tradition of Kashmir would have eased such reconciliation in keeping with the policies of Mahatma Gandhi, father of the Indian nation. But that culture is no more.

The establishment of an effective state Human Rights Commission can pave the way towards reconciliation. This can begin only with the development of mutual understanding between the leadership of India and Pakistan, and it will be successful only when the diverse peoples of Jammu and Kashmir are able to come to terms with themselves and one another.

The state must recognize its responsibility to rectify the difficulties faced by minorities; the Central government can help but it cannot assume responsibility. The problem of employment, in which lies the germ of Pandit grievance, can be addressed if the state government extends minority status to the Kashmiri Pandit community. This has been recommended by the National Minorities Commission of India through three successive chairs, but at this writing, the matter awaits a decision.

The ultimate test of freedom for the people of Jammu and Kashmir will surely be the ability of its different population groups to live together and endure the challenges of a shared future. That is the only

way they can hold on to their uniqueness while also existing as part of a larger entity, enjoying the fruits of a global economy. A flourishing framework of decentralized self-governance in village and municipal administration, in keeping with the vision of the Seventy-third and Seventy-fourth Amendments to the Indian Constitution, can, by opening items of daily concern to debate and discussion, pave the way towards reconciliation. Organizations of volunteers from within and outside the state of Jammu and Kashmir have, since the birth of the new century, been engaged in easing the suffering of Kashmiris, particularly of widows and orphans. Sadbhavana Trust, an NGO headquartered in New Delhi, used these words in appealing for help for the children of Jammu and Kashmir to build a better future:

> Rubiya Maqbool, age 11 years, lives in the village of Sharkwara (Baramulla District). In 1991, her father, who had joined the insurrection in Kashmir, was killed by a rival militant group. Her mother, Misra Begum decided to remain with her in-laws. But then her [Misra's] two brothers-in-law were kidnapped. When she went to her own parents for help, she was told that her father too had disappeared. He was found hanging from a butcher's hook next day. Barely a kilometre away, Rubiya's uncle was also found—hanging from two trees. With only the women left in families (Rubiya and her sister Khalida were 1 and 3 years old at the time), life came to a bitter stop for all of them. Emotional trauma combined with acute financial distress had left them with deep scars. Somehow they have survived, but each day has been a nightmare. Can we help Rubiya and Khalida to a new life?

The Sadbhavana Trust is not alone in this endeavour. The Rajiv Gandhi Foundation, chaired by Sonia Gandhi, was the first in the field in 1993, with Project Interact—crafted by P. Chidambaram, the Congressman from Tamil Nadu, who was to become India's home minister in 2010—which supported children of victims of terrorist violence across Punjab and Kashmir. The programme was broadened to include training of teachers and parents in the basics of psychological therapy. CDR too has tried to heal social wounds. Launched in December 2000, and now sustained by the support of the European Union, this is an initiative born from the belief that the South Asian scene of poverty, misgovernance, political manipulation of religion,

gender disparities and ethnic conflicts that have warped and wounded the daily lives of the region's people, must change, and can with the people of all regions working together. The organization believes that a culture of dialogue differs in essence from the culture of debate. Debate can succeed in sharply identifying different points of view. Dialogue goes further: it begins with an underlying goodwill to understand the other's point of view. And so CDR's efforts are directed towards bringing together people from within the state and also those of India and Pakistan. Kashmiris in the US set up Chinar, based in Ashburn, Virginia, to run an orphanage from the home of its leading activist in Srinagar. Along with seeking to rescue orphans and widows, young people all over Kashmir are taking the initiative in setting up NGOs to restore forest cover, remove weeds from Dal Lake and dispose of refuse from the houseboats there, which have become a major source of pollution. All these organizations work with one another with a remarkable sense of common purpose. Concerned citizens can do much to mitigate the suffering of a once-happy land now stricken with grief and hatred.

But these efforts can succeed only in the context of political groundwork—preparations for working towards closure. Negotiations between India and Pakistan resumed at the close of 2006. Meeting in Havana at a Non-Aligned Summit in September 2006, the two heads of government agreed to set up a joint mechanism for tackling terrorism. In an interview with NDTV in December 2006, President Musharraf spoke of four points for a settlement. On this basis, he said unequivocally—a first for any Pakistani head of state—that Pakistan is prepared to forego its claim on Kashmir:

- Kashmir will have the same borders, but people will be allowed to move freely back and forth in the region.
- The region will have self-governance, or autonomy, but not independence.
- Troops will be withdrawn from the region in an incremental manner.
- A joint supervisory mechanism will be set up with India, Pakistan and Kashmir represented.

Musharraf asserted that self-governance or autonomy is *not* to be seen as a first step towards Kashmir's independence. Although the statement was dismissed by many in India's establishment as a mere rewording of

the same old stance, the response by Prime Minister Singh was positive. In a follow-up interview with NDTV on 19 January 2007, Ghulam Nabi Azad, then chief minister of Jammu and Kashmir, said, 'The date for the composite dialogue has been fixed . . . and I am sure that all outstanding issues and proposals floated from time to time by General Musharraf will be discussed.'

When negotiations between India and Pakistan gather momentum, they must be accompanied by efforts at inclusion of all sections of the Kashmiri leadership in the wider negotiation process. Policymakers must bear in mind the need for constant consultation with the people most affected—the people of Jammu and Kashmir on both sides of the LoC. And opinions on the subject of Kashmiris' future are deeply disparate, not only between different regions of the state but also within those regions and even within different communities. This is comprehensible in a society so shattered by violence. Prime Minister Singh sought to initiate a process of inclusion through the institution of the round table; the first session was held in 2005 in New Delhi. But both this and the round table that followed, in Srinagar in the summer of 2006, were constrained by lack of full participation by all sections of the Kashmiri leadership. Lamentably, those whom India's home ministry considered worth inviting to participate as 'people's representatives' were people who commanded neither a public following nor public respect. Yet these round tables succeeded in identifying matters of vital concern to the people of the state and in setting up working groups to consult with the people of all regions of Jammu and Kashmir to enable them to make viable recommendations to the Government of India. These recommendations, inasmuch as they apply to issues concerning Pakistan, could form a basis for discussion both in the larger Kashmiri community and when the two countries begin to address the issue of a Kashmir settlement.

The working groups were to deliberate upon:

- CBMs with Pakistan, including cross-border relations;
- cross-LoC relations;
- Centre-state relations;
- good governance;
- infrastructure and economic development; and
- confidence building within Jammu and Kashmir, including measures to address issues of widows and orphans of violence, return of

displaced persons and—in a major gesture to separatists—the return of those who crossed over to Pakistan-administered Kashmir during the insurgency.

Although the governments of the two countries engaged in the meanwhile with each other and with the representatives of the people in portions of the state administered by each, there has remained a vital need to encourage the people of all regions of Jammu and Kashmir to consult with one another. But the engagement between India and Pakistan was rudely disrupted by a coordinated terrorist attack on ten locations across Mumbai on 26 November 2008, for which the Lashkar-e-Taiba was held responsible. The working groups were intended to draw into the dialogue process all sections, but the groups were chaired by people nominated by the Central government, none of whom was from Jammu and Kashmir. The specious rationale given was that those from within the state could never agree with one another and, hence, needed outsiders to keep the groups from dissolving into internal bickering and rivalries. In Kashmiris' eyes, misted heavily with suspicion and mistrust, this was but another effort at conjuring the illusion of dialogue while seeking only to maintain the status quo. The groups were, in fact, created under the advice of the state government. Was the advice a rare admission by the Kashmiri establishment of political incoherence, or a means of scuttling the initiative?

As the year 2009 drew to a close, a report of the working group on the most sensitive issue—considered critical to the relationship of the state of Jammu and Kashmir with the Indian Union—'Strengthening Relations between the State and the Centre', was submitted by its convener Justice S. Saghir Ahmad to Chief Minister Omar Abdullah. This report in two bulky volumes was drawn up by the convener himself, with the assistance of some government officials, and reflected Saghir Ahmad's own conclusions from the working group's discussions in the past. In its first volume it carried a summary of recommendations, but dwelt extensively on arguments around, and the evolution of, the state's autonomous nature in the 'special status' of its relationship with India. The recommendations, summarizing conclusions of the full report and couched in general verbiage, covered the following:

1. Comment on Article 370 of the Constitution of India
2. Demand of Autonomy by National Conference

3. Demand of Self-rule
4. Term of Legislative Assembly of the State
5. Representation/Reservation for Scheduled Tribes and women in the Assembly
6. Abolition of State Legislative Council
7. Increase in the number of Assembly seats and De-limitation Commission
8. Strength of the Council of Ministers
9. Strengthening of the Democratic Process
10. Human Rights
11. Right to Information Act and Accountability Commission
12. Armed Forces Special Powers Act (AFSPA)
13. Issues relating to Kashmiri Migrants
14. Issues relating to refugees of 1947, 1965 and 1971 and other migrants within Jammu Region
15. Under-representation of Jammu in the Legislative Assembly
16. Discrimination against Jammu
17. Union Territory Status for Ladakh
18. Position of Chief Minister, Dy Chief Minister and Ministers from Ladakh
19. Representation in the Supreme Court
20. Regional Councils
21. Local Self-governance
22. Reservation in services/promotions/professional institutions

The second volume discussed details. Most of these recommendations dealt but little with the issue of relations between the state and the Centre and dealt extensively with issues within the state. The AFSPA—an issue that was to so exercise political thinking as the century's opening decade drew to a close—was merely described, not discussed in any substantive way. A large part of the discussion centred on 'methods of strengthening democracy, secularism and rule of the law in the state'. Nevertheless, because the internal functioning of the state has a bearing on the constitutional status of Jammu and Kashmir, recommendations herein could be considered to have reference to Article 370 of India's Constitution. Here too, although there is extensive discussion, recommendations are few. However, what emerges, albeit only by implication, is that Jammu and Kashmir already enjoys considerable

autonomy consequent to Article 370, but its citizens stand deprived of many of the liberties guaranteed by the Indian Constitution to Indian citizens. And it does recommend the strengthening of various commissions like those on enforcement of human rights, accountability and the right to information and those commissions that are expected to promote the interests of the less privileged regions and communities of the state. What does come through from this last of the reports of the prime minister's working groups then is that although such institutions do exist, their effectiveness has remained but an illusion.

The report has no suggestions to offer on reopening old trade and commercial routes, compensation for the losses suffered due to perceived discrimination under international agreements—specifically with regard to the implications of the Indus Waters Treaty—the enforcement of the Resettlement Bill 1982—concerning the right of the persons who went over to Pakistan to return and resettle in India's Jammu and Kashmir—and cross-border cooperation in trading, disaster management and other such issues in which the lead could be taken by NGOs, although these were discussed. These are also considered by Indians and Pakistanis, and certainly by the Kashmiris themselves, as pivotal to the state's development. But group convener Saghir Ahmad ruled them to be outside the group's mandate.

There is indeed extensive discussion on various measures taken on issues related to Kashmiri migrants. But apart from examining various programmes assumed to be in operation, including the prime minister's 2009 package for return and rehabilitation of Kashmiri migrants to Kashmir Valley—which failed to address the problems of the non-migrant KPs who had stayed—there is no substantive recommendation on the issue.

And even this innocent report was kept under wraps for months by the office of Jammu and Kashmir's chief minister until it had lapsed merely into a footnote in any recollection of the achievements of the vaunted round tables. But the report had managed to spark an agitated opposition by the BJP in Jammu, the reasons for which remain somewhat obscure.

Luckily, an ongoing intra-Kashmir dialogue was already in process. Meetings organized by the international NGO Pugwash and the

Indian NGOs, CDR and the Delhi Policy Group, were held in Delhi, Kathmandu, Islamabad, Jammu, Srinagar and Muzaffarabad. They brought participation by all sections of civil society on both sides, including those from Ladakh and the Northern Areas, who unequivocally voiced their resentment of what they saw as a sustained attempt at domination by Kashmiris on both the India- and the Pakistan-administered sides. From this parallel dialogue has emerged a consensus that existing borders not be changed and that all parts of the state work with their governments to establish maximum self-governance, even in the absence of agreement on what that might mean.

At a meeting held by the CDR in February 2007 at Pataudi, on the outskirts of New Delhi, Sajjad Lone presented to the gathering of Indians, Pakistanis and those from both sides and all regions of J&K, his work of 2006, *Achievable Nationhood*, embracing these sentiments. He proposed an eclectic model, based on evolution from within the state rather than on 'devolution' from the Centre, which, in his view, has hamstrung earlier initiatives. Lone's thinking is grounded in the conviction—and all present agreed, as I too have come to believe—that any resolution must be perceived by the people as a consideration that they have granted to India and Pakistan rather than as a charity bestowed on them by those two governments. As I have sought to show throughout this book, the dignity of a people smarting from what they have seen as humiliation after accession to India in 1947 lies at the heart of any sustainable resolution.

By early 2007, there was a tacit understanding that all parties must renounce violence. On a visit to Pakistan in January 2007, after a meeting with President Musharraf, APHC chairman Mirwaiz Omar Farooq was openly critical of violence, which, he said, had achieved little but the proliferation of graveyards. He called for an end to the 'armed struggle' to clear the way for negotiations for a lasting settlement of the Kashmir dispute. He said that some people involved in the struggle might still have reservations, but that as far as the APHC was concerned, 'We are not prepared to sacrifice any more of our loved ones.'[8] This statement was considered audacious and, indeed, brought threats against his life, sending the young mirwaiz scurrying for damage control. But he was simply voicing an opinion widely held but not spoken for fear

of trivializing what was seen as the supreme sacrifice made by so many. On 1 February, the mirwaiz returned to a rousing reception in Srinagar, redolent of the great days of Sheikh Abdullah.

This statement by the mirwaiz was welcomed by Pakistan's leading daily newspaper, *Dawn*, in its editorial of 12 January 2007:

> Seen against the backdrop of the progress made by India and Pakistan in their peace process, the Kashmiri leadership's willingness to explore new approaches to conflict resolution will be widely welcomed. It will give a boost to the efforts Islamabad and New Delhi have been making to end the dispute over Kashmir. The major goal of the peace process at this stage should be to lower the level of militarisation in Kashmir, end the human rights violations there—by the Indian forces and the militants—and ultimately devise a formula which is acceptable to the Kashmiri leadership on both sides of the Line of Control.

And in October 2008, in its manifesto for the Assembly election, the PDP announced its own self-rule document for resolution. Revivalist like the report of 2000 of the State Autonomy Committee in that it advocated a return to autonomy, this self-rule document suggested internal devolution across regions 'to ensure that all the regions share a sense of equal and equitable empowerment'[9] and, similar to Sajjad Lone's prognosis of achievable nationhood, 'shared sovereignty' by India with Pakistan. It proposed a Regional Council of Greater Jammu and Kashmir, a regional legislature with powers clearly defined with members both from the India- and the Pakistan-administered regions of the princely state.

In May 2010 CDR organized a further meeting of a group of twenty-seven opinion-makers from India and Pakistan, who had been working for peace between the two countries. Assembled in New Delhi's Claridge's Hotel, the meeting was held to review the state of relations between the countries both at the official and the peoples' levels. This was especially pertinent in the context of an agreement to restore dialogue after the attack of 26/11, reached by the two prime ministers at a SAARC meeting in Thimphu in Bhutan the same month to resume bilateral discussions. The group included former foreign secretaries and widely respected former chiefs of the army staff from both countries.

The group welcomed this decision taken at Thimphu and hoped that this new window of opportunity will be used by both parties to propel movement towards what was agreed to be their common objective of peace and good relations. It was felt that the dialogue should now move towards substantive decisions on outstanding issues by quickly coming to an agreement on less complicated issues that have been on the edge of resolution for a considerable time.

It was emphasized that the comprehensive concept of security that includes economic, social, political and military elements demands that both countries should now move away from a perception of military threat, recognizing that deliberate, premeditated war was no longer a viable option. But the escalation of minor conflicts remained a danger to be guarded against.

On Kashmir, the group expressed the hope that a back-channel dialogue would resume between India and Pakistan. But any proposals so emerging required to be placed before the public of both countries and particularly the people of Kashmir at an appropriate stage. The agony of the conflict and resentments of the beleaguered people of Kashmir were recognized. Effective implementation of CBMs already agreed upon, which would offer relief, was called for.

Detailed discussions were held on what was recognized as the serious problem of terror. The group felt that the two countries should work towards a common programme to control what was a menace to both. On no account should terrorists be allowed to hold hostage the dialogue for peace.

On the looming issue of water, the group was briefed by experts from both sides. It was agreed that the Indus Waters Treaty of 1960 was always intended as a permanent solution to the division of waters and had worked well for fifty years. The issue of water needed to be addressed not so much in the context of a dispute but that of further improving both the working of the treaty and greater cooperation in matters like telemetric and real-time data exchange and the possibility of joint action in such issues as watershed management and environmental protection.

Clearly, the desire for peace and friendship among the peoples remained predominant despite the Mumbai assault. The group called for an improvement in the climate for partnership between the two

countries. The role of the media was considered significant. It could work towards promoting peace rather than sensationalizing threats to that peace. New ideas for regional advance through increased regional cooperation were urged. South Asia will soon hold a quarter of the world's population. It was the opinion of this group that its importance would only be recognized if all eight countries that constitute SAARC could find the means to work in concert.

The need for better dialogue among the people of the state was emphasized by Sardar Attique Ahmed Khan, prime minister of Pakistan-administered Kashmir, in a conversation with Nirupama Subramanian of the *Hindu* in January 2007.[10] Khan emphasized that the intra-Kashmir dialogue needed to be formalized. This view is widely shared by the people of India-administered Jammu and Kashmir. If wisely coordinated, such discussions could turn up factors that might help chart a map for peace by highlighting issues of basic concern to guide principal negotiators at the state and transnational levels.

What action, then, is proposed? In a 2005 public address in Udhampur, on the inauguration of the Jammu–Udhampur rail link, Prime Minister Singh recommended empowering the people of Jammu and Kashmir through application of the provisions of the Seventy-third Amendment to the Constitution of India to the state's panchayats. An action plan for the state to actualize local self-government could assume the following form:

- Assemblies in Jammu and Kashmir and Pakistan-administered Kashmir would consider a constitutional framework for state autonomy.
- Springing from these assemblies, a three-tiered system of local governance could be introduced, within the framework of that state autonomy:
  1) Regional assemblies or councils, with geographical lines to be determined on the basis of terrain, with two in Ladakh continuing (as at present);
  2) Elected *zilla shoora* (district councils) for each district, with elected village councils (*halqa panchayat*) for every village;
  3) Strengthened *halqa majlis* (village gatherings), similar to the Swiss *landsgemeinde*, authorized to accord prior approval for plans, programmes and budgets prepared by the halqa panchayat

and to certify use of funds allocated for the plans, projects, or programmes of the panchayat; and

4) *Ward majlis* (constituency gatherings) that conduct regular meetings with substantive agendas.

- The state government would be required to amend and enforce the Jammu and Kashmir Right to Information Act of 2004, along the lines of India's Right to Information Act of 2005 [which it did in 2009] to empower village communities to hold their governments from village to state level accountable and to make the village gatherings, with access to full information on every issue of concern, a true instrument of public participation in governance.
- The legal basis and constitution of regional/district development boards would be defined for every region/district.
- Such a board would have 80 per cent membership of the number of representatives of village councils.
- The board would be authorized to consolidate prospective five-year and annual plans prepared by panchayats and municipalities and to indicate the extent and type of available resources to each panchayat and municipality.

For these proposals to become the framework for local government, they need to be placed before the elected assemblies or representatives and then authorized through elections or popular mandate of the people, in both India- and Pakistan-administered parts of the state, after which they could move through established legislative process on each side. But is Jammu and Kashmir ready?

The Amarnath Shrine Board of the state administers the annual pilgrimage to the mountain cave in Amarnath, dedicated to the Hindu Lord Shiva, a year in advance. In 2008, in consequence of the lease of forest land in the mountain plateau of Baltal made to the board, an agitation broke out in Kashmir. In attempting to bring it under control by repeated police firing, forty Kashmiri lives were lost, including that of APHC leader Sheikh Abdul Aziz. Then, in violent retaliation for the revocation of the lease order in July 2008, the Hindu-majority areas of Jammu erupted, seeking to impose an economic blockade

on the Valley by stopping all transport on the only link road, the Srinagar–Jammu highway. In response to this provocation, the Kashmir Fruit Growers Association issued a twenty-four-hour ultimatum to the government to open the road to Muzaffarabad for trade, failing which they would march to that town across the LoC. That march brought more than 2,00,000 Kashmiris onto the road to Muzaffarabad. In an impassioned speech to Parliament, of which he was then member, young Omar Abdullah cried out:

> You people [meaning the BJP] talk Amarnath . . . show me one place where any Kashmiri has spoken against the *yatra* . . . where they have attacked Amarnath *yatris*. It was an issue concerning our land. We fought for our land and will continue to fight for our land till our dying breath.[11]

Omar became chief minister after the elections that followed the fall of the Congress-led government headed by Ghulam Nabi Azad in consequence of what has come to be known as the Amarnath agitation. In his article laced with deep regret in the *Outlook* of 31 August 2008, plaintively titled 'How India Lost the Kashmiris', Prem Shankar Jha, a perceptive observer of Kashmiri developments, had at the time that Kashmir was under a blanket curfew noted:

> The 'fruit' march to Muzaffarabad was a result of . . . part anger at a betrayal, part a desperate attempt to break an economic stranglehold and part political opportunism. But the resulting 40 deaths completed the delegitimisation of Indian rule in Kashmir. But all was even then not lost. For the governor's determination, shared by the prime minister, that there must not be any more deaths in Kashmir, and the consequent restraint, had begun to mend fences once more.

But Jha then concluded that:

> Gangs of lumpen youth, born and brought up during the insurgency and filled with hate for India, took to teasing, insulting and, on occasion, physically molesting the Jawans. They yelled derisive anti-India slogans and began to put up Pakistani flags. My conversations with several senior officials suggest that the flags were the last straw. The Indian State was

finally provoked and the only policy that could have brought Kashmir back on an even keel was abandoned in favour of naked force.

As I went to Srinagar on 3 September that year in a flight from Delhi with a scattering of passengers, I was filled with trepidation. What would I find in the city that I had over the years grown to love as my own? I knew that the curfew had by then been lifted. But would Srinagar be the desolate city imbued with a muted sorrow that I remembered from 1990 when I was its divisional commissioner? Was I to find a city of fear?

My visit to Srinagar was prompted by a request of the Union ministry of human resource development to advise them on what they should do with the National Institute of Technology, located on the banks of the Dal Lake in Hazratbal, of which I was by now chairman. This was the very institution that, then the Regional Engineering College, had provided a haven to the residents of Hazratbal during the siege of the shrine in 1993. The hapless ministry had been plied with a plethora of petitions from students and parents of students pleading that studying in Srinagar had become unsafe, that the environment was charged with violence precluding serious attention to study and that they or, in the case of parents, their wards be transferred to institutes located elsewhere in India. Should the ministry agree in the interest of protecting the students' education? And if so, how was this to be managed? And so it was that before proffering advice I offered to go see for myself.

And so at 11 a.m. on 3 September I found myself in the conference room of the institute, armed with copies of the petitions for transfer. I was ready to hear a litany of grievances and complaints of the students of the NIT, which included students not only from J&K but from all parts of India, who had repaired to Srinagar to pursue higher studies. This institution, in which studies had stood disrupted for several years upon the outbreak of insurgency in 1989–90, had by the turn of the century been well on the road to recovery. Placements had reached record levels by 2007 and given the number of companies slated to visit in the last month of 2008—which had to be suspended following the upheaval in the Valley—would have been even better in this year. What was I going to hear?

The students trooped in, over a hundred in all, boys and girls, in a room that seated only fifty. Their spokesperson, a bright young fellow from UP, began by thanking the faculty for having ensured normal life within the walls of the institute throughout both the hartals and the extended curfew. There had been no effort at disruption within the institute and the faculty had pacified agitated employees, indignant over the unjustified beating of one of their colleagues by CRPF personnel. But many from among the faculty had been unable to reach the institution during the days that the city and all its services had closed down, leading to interruption of the study schedule. So their request was that every effort be made to make up the arrears by allowing classes over scheduled holidays and outside the designated working periods. They wanted examinations held as scheduled. But of even greater concern to them was that since their placement schedule had been disrupted, and if the employing agencies were unwilling to visit Srinagar, arrangements be made for their interviews in Delhi.

Another group of students while supporting this demand pleaded that arrangements be made for scholars of the seventh semester—not housed in the campus and numbering about sixty—to be provided accommodation in the campus during such disruptions.

Not even a hint of any feeling of insecurity, either among the local students or those from elsewhere, could be sensed. I was later told by the faculty that throughout the turbulence, students continued to arrive from as far away as the Andaman and Nicobar Islands in the Bay of Bengal and from Nagaland to be admitted in BTech.

There were of course about 300 of 837 resident students who had left the campus as on 23 August 2008, but most of these were from Jammu, and fewer from other parts of the country.

During the course of the day I interacted with the faculty, the non-teaching association and mess staff of the NIT. All I heard were the usual grievances of management and administration. There was a complete commitment to the institute delivering on its commitments to its students while maintaining the highest possible standards, the achievement of which so far was a source of a palpable pride to all employees.

However, was this but a drop of tranquillity in an ocean otherwise full of tension and violence swirling about this summer capital of the

state? Had the excellent management of the institute achieved this peace when the rest of the government had fallen into disarray? Having then visited different parts of Srinagar from the elite Raj Bagh neighbourhood to downtown Solina, I found the city more relaxed and freer of tension than I had known it for years.

After my official commitments, I proceeded to Solina with my friends who had invited me to Iftar. After Iftar, we walked through local alleyways to the neighbourhood mosque for evening prayers. The little mosque was crowded with local residents, most of whom I would never have met before, but all of whom were smiling and affable. After meeting other friends and consuming two dinners, I proceeded to the guest house in Sonawar, a high-security area of Srinagar, and my friend's son drove me straight to the guest house, stopping only to inform the guard where we were going. It was by now 11.30 p.m.

Srinagar was more tranquil than I had seen it for years. Yet reports that one read were always depressing and sometimes alarming. Based on these, some august doyens of India's fourth estate had ventured to think the unthinkable and advocated a peaceful secession for Kashmir. They gave small thought to the fact that although the recent upheaval in the Valley was widespread, it was remarkably free from violence except the firing by security forces on crowds in which civilians were invariably victims.

No doubt there was a deep anger in the Valley at what was perceived as discriminatory treatment meted out to the people of Kashmir region when compared with Jammu in handling of the agitations that had oscillated between the two regions. This, despite the fact that the Jammu agitation had descended frequently into violence and developed dangerous communal overtones, including in the outlying regions. It had been in Jammu that the worst violence had been seen. It was on the outskirts of the winter capital of Jammu that Muslims travelling by bus from Poonch and Rajouri districts had been dragged from their vehicles and thrashed. In Samba a police station had been attacked, killing a policeman.

This anger persisted long after the agitation had abated. There were pent-up frustrations, particularly among the young, who are Kashmir's future, which found vent in the outbursts of 2010, discussed in the concluding chapter. But even at the time of this visit I sensed that this

anger needed to be addressed with some urgency by the state's political leadership and its administration. On my part, although I had arrived in the state full of foreboding in the aftermath of the Amarnath agitation, I left with a distinct sense of cheer—the 'even keel' that my friend Prem Shankar Jha yearned for was still attainable in Kashmir, provided that the people of this beautiful vale were given the reassurances they so crave. And so I echo the anguish of a young Kashmiri, yet also hope with him for a bright future for this unhappy land:

> My conviction is that the people of Kashmir can no longer be ignored, that Kashmiris will not allow others to ignore them. If anybody in Kashmir was not a Kashmiri in 1989, they all are now. Too much has happened. If any agreement or process denies this reality, it will fail. Today, each and every Kashmiri is faced with an existential problem having to do with the yearning of their homeland, with being part of a culture, with winning a battle to remain themselves, as Kashmiris belonging to a people with a distinctly Kashmiri consciousness. The generation that grew up in the turmoil of Kashmir feels it the strongest and can struggle in new, creative and constructive ways to rebuild and rejuvenate. The generation of Aasia Geelani, with its own personality and ideas, is now coming to succeed the generation of Ashfaq Majid Wani.
>
> Much of Kashmir has been reduced to desolation and ashes . . . but today we are seeing signs of the emergence of a promising ember in these ashes in the form of the promise and potential of the new generation—it is priceless and we must protect it from being extinguished and nurture its immense power.
>
> My conviction is that all of us in generation next, in our own humble ways, must hope, pray, search and work so that, from these mountains of ashes in Kashmir, a phoenix will rise, not phantoms![12]

Much was lost in the paradise that was Kashmir when the peace-loving people abandoned their history in a desperate recourse to violence and destruction. The centuries-old bond between communities has been mortally wounded. Worse, this peaceful society is now inured to violence, a fact that was to be so dramatically demonstrated in the summer of 2010, which will surely remain to haunt its future. Yet there is hope. That hope can become reality if the people of the state are placed in command of their own lives. As their own leadership develops, so will responsibility. Democracy has been India's mightiest

weapon in overcoming separatist violence repeatedly since it won its independence. Surely, democracy is the only reliable instrument through which lasting peace will come, bringing the freedom yearned for by all. In this world of growing mutual dependence, that yearning resonates against the mountains towering over the vale of Kashmir.

Meadows I cover with flowers for you,
Come, my lover of flowers!
Come, let me gather fresh jasmine for you,
Never return these hours!
Lilacs have bloomed by the river for you,
Deeply the world is asleep,
Still, though, no answer has reached me from you,
Garlands of green I keep.
What if they speak only evil of me?
Who has been able to change destiny?
Come, my lover of flowers!

—Habba Khatoon, sixteenth century
(translated by Nilla Cram Cook)

9

DENOUEMENT: ENDGAME OR VIOLENT REBIRTH?

And you, my father, there on the sad height,
Curse, bless me now with your fierce tears, I pray.
Do not go gentle into that good night.
Rage, rage against the dying of the light.
—DYLAN THOMAS, 'DO NOT GO GENTLE INTO THAT GOOD NIGHT'

By the close of 2010, we had seen the always surprising, ever-confounding Valley of Kashmir, pass through another bloody phase of its history, with the violent death of more than a hundred people, so many of them only children, between June and the end of September that year. The year, when the travail commenced, had been looked forward to with great expectation. With the installation of an elected legislature in 2008, in the election to which people from every part of the Valley, particularly the young, had campaigned vigorously and flocked to the polling booths in the largest number since 1987, the trauma that had wracked the state in the wake of the Amarnath Yatra of 2008 had seemed a thing of the past. And this was not true only for the eternal optimists from outside the state like myself, but for its own political leadership, its own civil society, and to a security force, including the army that, while recognizing that challenges persisted, allowed itself to begin commending itself on a battle hard-fought and

won. The pitiful state of Pakistan—the intelligence services of which, backed by its armed forces, had for so long sabotaged the blossoming of every hope in Kashmir—served to feed this sanguinity. Although Prime Minister Manmohan Singh had been criticized by some for declaring in his 2009 Independence Day speech that in Kashmir separatism as an issue was over, the pervasive political demand at the time was indeed only for greater self-government within the Indian Union. This brought the state to a level no different from Sheikh Abdullah's stand for accession to India, which he had taken in September 1947, even before the invasion of Pakistani tribals in October 1947. And yet the cry in the streets of Srinagar in September 2010 was a ringing call for 'azadi'. What had happened? Who was to be blamed? And was ascribing blame the way forward?

In April that year three young men, Muhammad Shafi Lone, Shehzad Ahmed and Riyaz Ahmed were killed in what was claimed to have been an armed encounter with terrorists in Machil, a township across the Kazinag Mountains, close to the LoC in Kupwara. Under the orders of Chief Minister Omar Abdullah, responding to complaints of a fake encounter staged to claim the reward dispensed for killing infiltrators, the police made inquiry. In its preliminary report it identified an Indian Army major as instrumental in the killing of the three Kashmiris, all innocent in what was found to indeed have been a fake encounter, with the young men being lured with the promise of employment as labour. All three boys, far from being 'infiltrators' from across the LoC were residents of Nadihal, in the vale of Rafiabad, a part of the spectacular but blood-soaked Lolab Valley. Although the police had withheld the name of the officer responsible for this encounter 'as it can hamper the investigations', the Srinagar newspaper *Greater Kashmir*, quoting sources, identified the officer as one Major Opinder of 4 Rajput Rifles.

This was not the first encounter of its kind, and police investigations had been ordered before in cases of suspected fake encounters, notably in the killing of innocent civilians by the police in response to the murder of thirty-eight Sikhs in Chattisinghpora in the district of Anantnag in March 2000. Earlier in 2010, on 5 February, Zahid Farooq Sheikh, a seventeen-year-old schoolboy, had been shot dead by a BSF trooper in the Nishat area of the capital city, triggering public outrage and protests

across the Valley. The police had arrested BSF trooper Lakhwinder Kumar, who admitted during questioning to have shot at the youth, but insisted that he did so on the orders of his commanding officer R.K. Birdi. So, Birdi was arrested, the highest officer of the paramilitary to have been so apprehended in Kashmir, and remanded to ten days judicial custody by the chief judicial magistrate in Srinagar. He was subsequently shifted to the high-security central jail, housing convicted murderer Qasim Faktoo. This happened for the first time on the orders of the young chief minister in a killing attributed to the army.

Yet by 3 June 2010, Syed Ali Shah Geelani, in a speech in Baramulla, called upon the people to protest what he claimed was an effort at cover-up. And there was then a public response to that call by the young people of Srinagar where, on 11 June, young Tufail Mattoo, all of seventeen years old, returning from tuition, was chased by the J&K police, firing tear gas shells, obviously mistaking the child as a stone-pelter from among those with whom they had jousted all day. The boy died, triggering a statewide agitation spreading from the cities into the countryside. Sopore township—the hub of Kashmir's apple industry and centre of Ali Shah Geelani's power base, from where he has repeatedly won elections at the time he still contested—was the first to explode in response, leading to firing by the CRPF that took more lives of the young. Although an inquiry was again ordered by the chief minister, for which he came under criticism by the CRPF high command, this failed to quell emotions.

And from north Kashmir the uprising of the youth spread into south Kashmir when three teenaged boys Shujat-ul-Islam, Ishtiyaq Ahmad Khanday and Imtiyaz Ahmad Itoo were shot dead in SK colony area of Anantnag on 29 June in a private compound. They had been fleeing the police that were chasing the youth, supposedly pelting stones in their protest against the CRPF firing on a teenaged boy who had been shot in the leg in Mattan Chowk that morning. Inquiry by the additional deputy commissioner found that a senior functionary of the Anantnag police thana was responsible, but a special investigation team (SIT) of police, investigating what seemed a cold-blooded murder, filed a charge sheet against a constable on 25 September. An inquiry report, which had been called for in twenty-four hours was submitted to the State Assembly in October 2010, finding the firing unprovoked. By then the

turmoil, which had convulsed villages across the Valley and because of the toll taken of children, brought women onto the streets for the first time since the early 1990s, and the protest debouched over the Pir Panjal into the Valley of Poonch. In the tehsil HQ Mendhar, where three young men in their twenties were shot dead, with a fourth succumbing to injuries in the hospital, and twelve were injured while protesting an unfounded report of a rumoured desecration of the Qur'an in the US, the deputy superintendent of police, the sub-divisional police officer Vijay Gupta himself was accused of participating in the indiscriminate firing.

In that case, no one attended to the injured or the dead. No attempt was made to remove the dead bodies from the spot for hours or rush the injured to the hospital, which might have saved at least one life. And one of those killed was the son of a former revenue official Sadiq Hussain Shah who had served in the office of deputy commissioner, when I had served in that office, thirty-three years before. The boy, serving in Riyadh, had just returned for a holiday with his family. Another was the child of a former police official with more than forty years in public service. All government buildings in the town were torched in retaliation by the enraged townsfolk. 'The buildings will be rebuilt,' lamented senior Congress leader Majeed Khan speaking to me over the telephone, 'but who will bring our children back?' Yet, no representative of the state government or legislature visited. And the agitation that had convulsed the Valley had become loudly, outspokenly, a campaign for azadi. It led the chief minister to claim before his State Assembly at the beginning of October, as the demonstrations and violence subsided—in a session boycotted by the main opposition party, the PDP—that the movement was directed not against him but was a 'quit Kashmir' movement against India.

At that time, the director general of the CRPF was replaced, although not for CRPF conduct in Kashmir, by Vijay Kumar, an officer of the Tamil Nadu cadre of the Indian Police Service serving at the time as head of the National Police Academy in Hyderabad. I had known him since my time of serving on the staff of Prime Minister Rajiv Gandhi, of whose Special Protection Group he was then part, and he was perhaps the most outstanding serving police officer in India in 2010.

In a closely argued report, and perhaps one closest to the truth among the myriad press reports on the violence, the young Saleem Pandit wrote for TNN (Times News Network) on 16 September:

> The three-month strife in Kashmir has its seeds not in the accidental death of 17-year-old Tufail Mattoo—hit by a teargas canister during stone-pelting at Rajouri Kadal on June 11. The incident, in itself, has been the visual that appeared to have launched a thousand protests. But behind the spiralling violence that's killed 91 people is a script that's still moving to plan.
>
> In fact, it's a script penned at a meeting between two radical Muslim leaders, Masarat Alam Bhat of the Muslim League and Qasim Faktoo of Jamait-ul-Mujahideen, in Srinagar Central Jail in 2008.
>
> This meeting took place in a distinct Kashmiri political context. In search of an elusive acceptability within Kashmir's radical political space, mainstream state politicians, even if they did not encourage the separatists, allowed their movements to grow uninhibited. They did not heed intelligence reports that radical Islamist icons like Syed Ali Shah Geelani, Asiya Andrabi and Masarat Alam were growing and propagating Talibanism in the state by striving to bring the entire population on their side in the name of religion.[1]

For months before the Machil incident, the radicalization of the young had been noticed by intellectuals and political leaders close to the people. What had led to this had started to become apparent even earlier, as I have discussed. Even in the township of Mendhar, religious tensions had simmered from mid-August around the town's Jami Masjid, near which were discovered torn pages of the Qur'an. I was told by a Kashmiri friend—himself a supporter of the concept of 'azadi'—as early as in mid-2009, when instances of stone-pelting had begun to escalate, that young people were turning ever more radical. Even in the upmarket Café Arabica in Srinagar's Lal Chowk, host to the young of the well heeled, the conversation tended to hinge on this very issue. Although the chief minister recognized the growth of this agitation, he dismissed the resulting incidents as the work of hooligans confined to congested downtown Srinagar. The elected leadership not only failed to respond, but indeed exacerbated the disturbance, obviously in the hope of discrediting each other. But why was the youth so susceptible?

As I have mentioned in chapter 8, this generation has been born and brought up in an environment consistently imbued with violence. Death has been routine. But singularly lacking has been any sense of purpose. Because of the drying up of government employment and the disinclination of those who had acquired education to take to manual labour, lack of private investment has kept opportunity closed and subject to patronage alone. A number of young people took to voluntary work through NGOs to clean up the Dal Lake, give refuge to the ill-disposed and other social work. They were actively discouraged by local intelligence agencies. Omar Abdullah's government took the initiative in passing a right to information law in 2009, around which a number of young people rallied. Yet the government dawdled in pursuing enforcement with volunteers actually facing victimization. A chief information commissioner was appointed only in 2010. And national media coverage, itself tending towards an upper-middle-class audience, seemed to show to the young Kashmiris a luminous picture of a prospering, liberated youth in the rest of the country, of which the Kashmiri youth felt they were not part. So, it was easy to convince these impressionable young minds that they were being left behind, despite their having abjured violence, as an act of unabashed discrimination, simply because they happened to be Muslim. Therefore, it was argued, strident assertion of religion was the only recourse. The mild version of the faith of their forbears had resulted in their being taken for granted.

Stone-pelting has been a traditional form of protest in Kashmir, stemming from the days of the resistance to Dogra rule led by Sheikh Abdullah. Although it has been described by some as Kashmir's intifada, it arose in Kashmir from a need to agitate against a despotic rule the Kashmiris considered alien, by a population without access to weaponry of any other kind. While recourse to this tradition clearly reflects acknowledgement within Kashmir of the failure of the violent insurgency—with its dependence on weaponry so assiduously supplied by the ISI—the widespread outbreak is also a clear demonstration of the failure of political resolve by a leadership elected in 2008 through what has been widely acknowledged as a 'free and fair' election. A senior police officer, whom I spoke to at the outbreak of the agitation as to why the police either overreacted, or simply placed the paramilitary CRPF in the forefront, bemoaned that whenever firm action was taken

and identified ringleaders arrested, they were promptly released under pressure from senior political leaders either holding high office in government or in the ranks of the opposition. This would explain why, when the ringleaders of the opposition were known to the local *thanedar*, they were not acted against, as I was told by my azadi-supporting friend. Masarat Alam, identified in the beginning of the outbreak as overseeing the move to radicalize the youth, succeeded in evading arrest until 18 October 2010, although his speeches in DVD and tape circulated and he continued to move around Srinagar without let or hindrance. Was this then the death of hope for Kashmir?

It is important to understand that the theme tune of Kashmir's union with India springs from the aspiration for azadi. What is azadi to a Kashmiri? Even today, Farooq Abdullah will tell you that no two Kashmiris will give you a definitive answer of what he or she means by the word. Does it stand for independence? That is how it has generally been construed in India, including by former minister in the NDA government, Murali Manohar Joshi, who condemned the demand in a debate in Parliament in September 2010. Yet, I have described in chapter 6 the expectations from the future that Sheikh Abdullah had when he discussed the choices before Kashmir with the head of the UNCIP, Josef Korbel in September 1948.

A clear indication of his political preference was brought home to the public in September 1947, when the Sheikh had clearly enunciated his dream of freedom. He was convinced it could come only by being part of India, as he explained to his people in a speech quoted in the UN Security Council Official Record. The Sheikh's preference then had been independence, but he realized this to be an impractical proposition. Kashmir's best choice for obtaining freedom was India. And whenever the Kashmiris have felt that India is not giving them the freedom they have craved, the feeling has grown that they will not get this freedom in India. Hence the call for azadi, without a thought to whether independence and freedom can ever be attained together in a state the size of Kashmir, contiguous to two rising military powers—India and China, and the latter's ally Pakistan—locked in a yet unspoken rivalry for regional hegemony.

Is the issue then simply one of withdrawing the AFSPA and conceding the demand of the State Assembly of 2000 for greater

autonomy? Will this quell the disturbance as no less than the chief minister of Jammu and Kashmir would have had us believe? Already, with a change of guard in the police, violence had begun to subside before the durbar moved on its annual transfer to Jammu in the winter of 2010. The debate across the media since the outbreak had been one of conceding a variety of forms of 'self-government', a demand that featured in Pakistan President's four-point programme—which, the general and his foreign minister Mahmud Ali Kasuri would continue to argue even after losing office, had come to a stage of final draft agreement between India and Pakistan before the general's rude ouster in August 2008. It is also true that these are components of what one might settle as a compromise with 'azadi'. But equally true is the fact that these issues had little to do with the demands of the agitators. I have spoken of the spark of Machil that lit the fuse. But fake encounters are in no way protected by the AFSPA. The internal conflict undeniably escalated with the killings on the streets, so often unprovoked, and even when provoked, only by stone-pelting—an activity from which the armed forces had not only abstained consciously but kept their distance vocally. Introduction of the AFSPA into the debate as a response to the agitation was at best a red herring. As for the demand for autonomy, the last thing that the agitating youth were demanding was increased authority of the kind previously enjoyed by their state government—seen now in 2010 as oppressor—in 1953; however, this is the gist of the autonomy demand adopted by the State Assembly, which asks for no more than 'restoration'.

Notwithstanding this, the continuing application of the AFSPA to the state of Jammu and Kashmir in the rapidly changing situation in the early years of the twenty-first century, attracted much debate, often heated. Chief Minister Omar Abdullah's announcement on withdrawal of the application of the law in certain areas, in contrast to army arguments in favour of continuance of the status quo, only exacerbated Kashmiris' suspicions of the country's intent. Lt Gen. Syed Ata Hasnain, former GoC of the Srinagar-based 15 Corps and then, before his retirement, military secretary of the Indian army, in his closely argued '"Victory" in the Valley'[2], has contended that 'Kashmir is far too complex for inexperienced minds to fully comprehend and there are so many stakeholders it confounds even those who have a semblance of

an idea.' True enough, if one is seeking to master the Kashmir 'issue'. Except that the issue in discussion by the General was incredibly simple; it had to do with the heavy army deployment in civilian areas in Kashmir when the need for that was, in the view of most, long past. This was tacitly acknowledged as army authorities resolutely and, to my mind, wisely, refused to intervene beyond staging a march on the outskirts of Srinagar when a desperate state government pleaded for its assistance as the Valley roiled in civil turmoil in 2010.

In response to an application under India's Right to Information law filed by the Commonwealth Human Rights Initiative, the Joint Secretary K. Skandan, Department of Kashmir Affairs, Union home ministry (MHA), had said that no guideline, instructions or even rules had been issued by the ministry regarding implementation of AFSPA in Jammu and Kashmir.

The applicant had sought information on whether any rule, regulation, instruction, guideline, circular, office memorandum, standing order, standard operating procedure, gazette notification or any other written communication was issued by MHA in relation to the implementation of the controversial law. The MHA disclosure that it had not issued any guideline that seemed to be contrary to the Supreme Court directions. In 1997, the apex court had laid down a number of dos and don'ts for AFSPA. According to these guidelines, any person arrested and taken into custody in exercise of the powers under Section 4(c) of the Central Act should be handed over to the officer-in-charge of the nearest police station with the least possible delay, so that he might be produced before the nearest magistrate within twenty-four hours of such arrest, excluding the time taken for journeying from the place of arrest to the court of the magistrate; the property or the arms, ammunition etc., seized during the course of a search conducted under Section 4(d) of the Central Act must also be handed over to the officer-in-charge of the nearest police station, together with a report of the circumstances occasioning such search and seizure.

The other major guideline said that the provisions of the Criminal Procedure Code (the CrPC) governing search and seizure had to be followed during the course of search and seizure conducted in exercise of the power conferred under Section 4(d) of the Act; and a complaint

containing an allegation about misuse or abuse of the powers conferred under the Central Act shall be thoroughly inquired into. None of this had in fact been the practice.

Pertinently, after the eruption of insurgency in the state, AFSPA was imposed in the Valley followed by Jammu, in 1990 and 2001 respectively. The then Additional Chief Secretary (Home) Mahmood ur Rehman issued a notification, whilst the state was under Governor's rule on 6 July 1990—at a time when I had just assumed additional charge of the position of divisional commissioner, Kashmir, supposedly at the font of confronting the insurgency, but without any consultation with my office—declaring the entire Kashmir valley and parts of Rajouri and Poonch districts in Jammu division on the LoC and with a Muslim majority, as disturbed. Another order to notify Jammu region as disturbed was issued by Principal Secretary Home on 10 August 2001. This declared the districts of Jammu, Kathua, Udhampur, Poonch, Rajouri and Doda disturbed areas. Through both my tours of duty as Commissioner Kashmir, the most turbulent period of public disorder, I never had occasion to resort to this law.

The debate around the continuation of the AFSPA has centred around a few issues:

- Complete revocation of AFSPA,
- Partial revocation of AFSPA (Disturbed Area status lifted from certain parts of J&K),
- AFSPA be amended to include specific safeguards and provisions thereby ensuring that current concerns are met,
- Status quo,
- Application of Ranbir Penal Code, the equivalent of the Indian Penal Code (with additional safeguards for security forces),
- Operate under Unlawful Activities (Prevention Act) 2008 (with additional safeguards for security forces).

The law enables a member of the army to shoot to kill under Section 4(a), for the commission or even suspicion of any of a broad spectrum of what are deemed 'offenses': acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons, carrying weapons or even carrying anything which is capable of being used as a firearm or ammunition.

To justify the invocation of this provision, the officer need only be 'of the opinion that it is necessary to do so for the maintenance of public order' and only give 'such due warning as he may consider necessary'.

The army is allowed to destroy property if it is an arms dump, a fortified position or shelter from where armed attacks are even suspected of being made, if the structure is used as a training camp or as a hideout by armed gangs or absconders. Besides, the army can arrest anyone—without a warrant under the same section 4—who has committed, is suspected of having committed or even of being about to commit, a cognizable offense and use force to the fullest extent 'necessary to effect the arrest'.

The army can enter any premises and search without a warrant, to make an arrest or to recover any property, arms, ammunition or explosives which are believed to be unlawfully kept on the premises. This section also allows the use of force necessary for the search. This means that the AFSPA can actually be held to be in violation of the Constitution of India, and of the very right to life, a right so basic to the Fundamental Rights, and to any claim to functioning within a democratic order. This law makes short shrift of the CrPC. The CrPC establishes the procedure for police officers to follow for arrest, searches and seizures, a procedure that the army and other paramilitary are not trained to follow. Hence the apex court's concern that when the armed forces personnel act in aid of civil power; it should be clarified that they may not act with broader power than the police and that these troops must receive specific training in criminal procedure.

The original Armed Forces Special Powers Ordinance of 1942 was promulgated by the imperial British on 15 August 1942 to suppress the Quit India Movement. But while explicating the AFSPA bill in the Lok Sabha in 1958, then Union Home Minister Govind Ballabh Pant stated that the Act was subject to the provisions of the Constitution and the CrPC. He said 'these persons [military personnel] have the authority to act only within the limits that have been prescribed generally in the CrPC or in the Constitution'. If this were indeed the case, then why was the AFSPA not drafted to say 'use of minimum force' as done in the CrPC? If the government truly meant to have the armed forces comply with criminal procedure, then the AFSPA should surely have had a specific clause enunciating the need for this compliance.

Contrary to Chapter X of the CrPC, which deals with the maintenance of public order, setting out the conditions under which the armed forces may be called in to disperse an assembly, and provides more safeguards than the AFSPA, clearly specifying the ranks which can exercise the authority to disperse an unlawful assembly, the Act grants the power to use maximum force even to non-commissioned officers. Moreover, the CrPC does not allow for the use of force to the extent of causing death to be used to disperse any assembly, under any circumstances whatever, however unlawful.

Chapter V of the CrPC sets out exactly how arrests are to be made, which does not give the officer the right to cause the death of the persons to be arrested, unless they are accused of an offence punishable by death or life imprisonment. This power is already too broad. It allows the police to use more force than stipulated in the UN Code of Conduct for Law Enforcement Officials. Yet the AFSPA is even more excessive, allowing the armed forces to kill a person who is not suspected of so grave an offence. And although it cannot be so construed legally, the public is convinced that this has allowed the army to overlook custodial killing of the kind perpetrated in Machhil.

There is then a good case made out for the complete revocation of the AFSPA. The changing situation of Jammu and Kashmir at the dawn of 2014, would, in the opinion of many an outsider, also have merited such consideration. However, in that state the government continued to persist with its own Public Safety Act, 1978 (PSA), a law of more universal application than AFSPA. This PSA is also the most draconian of its kind in India, despite amendments by the Omar Abdullah government in April 2012 to debar its application to minors, a method universally used by that very government to douse the violent demonstrations of 2010. This is how Salman Anees Soz, a young Kashmiri social activist recently returned from working with the World Bank in Washington DC to serve his blighted people, and a member of the ruling Congress party, describes this law:

'For those not familiar with the PSA, it has truly been a law of impunity and, even after amendments in 2011, it remains an unacceptable law. In a detailed 2011 report, Amnesty International, a reputable human rights organization, came to the conclusion that "the PSA violates India's international human rights legal obligations". The

report also inferred that administrative detention "under the PSA was used in J&K to detain individuals for years at a time, without trial, depriving them of human rights protections otherwise applicable in Indian law". According to the report, the Government carried out 8,000-20,000 administrative detentions during two decades of militancy. A subsequent Amnesty report quoted a senior police officer of the J&K Police as having admitted that more than 15,000 people had been detained under the PSA in the last two decades. These were not simple arrests but detentions devoid of basic human rights of detainees.'[3]

Given the concentration of security forces on both sides of the Line of Control, continuing infiltration—even though diminished—and an increasing military presence of the Chinese Peoples' Liberation Army in the northern areas of J&K, there could be a case for continuation of the application of the AFSPA, if the military—the agency tasked with ensuring security—so judged. If the army felt that it required continuation of the AFSPA to discharge its responsibilities, no other agency would be qualified to credibly challenge that view. Nevertheless, if it were decided that the law must continue, it is essential that the process to be followed in applying that law be spelt out, as in any other law, with details of how the powers conferred by the law are to be exercised. It is by this means that the AFSPA, if it were to be retained, might be brought into full conformity with the principles which must dictate its functioning, including adherence to the principles of the CrPC, laid down by the Supreme Court of India. Although the army may have had instructions or general orders on how powers must be exercised, these could hardly be a substitute for statutory Rules, enforceable by courts of law in a country which has long prided itself on the rule of law.

The Army's legal branch has worked on formulating rules notified by the law, so as to conform to the Constitution. On the other hand, just as it was the responsibility of the state government to withdraw its own laws that assaulted the principles of democracy, it might also be necessary for the Union ministry of home affairs to review its own functioning in relation to the prosecutions permissible under the AFSPA. Members of the military continued in any case to be protected from arrest for anything done within the line of duty under Section 45 of the CrPC.

AFSPA, however, provided what amounted to total immunity. To file a suit against a member of the armed forces for abuses under the AFSPA, permission was required to be sought first from the central government, which was the ministry of home affairs. The record showed, however, that such permission was not given, even when the case was clearly one of fake encounter established by inquiry by the premier investigative agency of the government, the Central Bureau of Investigation. Rules must ensure that permission, if not refused in a given time frame, will be presumed to have been given.

This argument presumes the armed forces must be convinced by government and representatives of the public of the arguments to rescind the Act, given the protection already extended to them by the existing law, and the challenges now faced in ensuring the security of the state. But there was and remains an alternative to the AFSPA regime. The deployment of the army extensively in civilian areas in Kashmir into 2014 is a hangover frozen along the demands of the war of 1947–48. This explains why there was still heavy deployment in Pattan, on the crossroads between Baramulla and Sopore, in Palhalan, located on the *karewa* (highland), a natural wall of defence for Srinagar from an advancing land army, and Shalteng, the approach to Srinagar through its outskirts and today a suburb. Clearly, the premier threat today of war between two nuclear armed states is no longer a military march along the highway from the Punjab on Jammu or Srinagar; it has instead transformed into infiltration. If nothing else, that was the lesson of Kargil. For this purpose the army would do well to consider redeployment along the more vulnerable areas on the LoC, in areas with a scattered population comprised mainly of Gujjars migrating seasonally to the highland pastures. Tensions between the army and local civilian populations, which characterize the Valley in civilian areas, but not along the LoC—where the need for deployment was long understood by civilians as necessary for their protection—sprang from the feeling amongst civilians that the army was an occupation force, despite assurances and laboured efforts by military authorities to dispel such an image. Nor was the army presence here required for maintenance of law and order, for which the army was less and less required to be on call.

Such redeployment would indeed require heavy financial investment. But surely the need for allowing India's citizens in Jammu and Kashmir with the exercise of fullest constitutional freedoms must be the paramount consideration, as it has remained the view of this writer that there is no other means of bringing the conflict in the state to closure. A passing reference to any Kashmiri blog on Facebook will substantiate this.[4] And the relinquished military structures can be put to good use as hospitals or other buildings needed for community service, including panchayats and placement of local police personnel. New construction could then generate employment for Kashmir's masons, carpenters and a host of skilled workers languishing under a regime of high unemployment.

The Kashmiri diaspora, which is now a prosperous community in the US, the Middle East and South East Asia, could be invited to invest. If such a plan were implemented there would be no need to withdraw the AFSPA, which would cease to apply in areas which were without an army presence, except when the army was required to be called in. And the law, for as long as it might subsist, might be in the fullest conformity with the freedoms of every Indian citizen guaranteed to them by no less than the Constitution of India.

The task for the Kashmiri leadership has become clear. The voice of the young Kashmiris in 2010 was, for those who were listening, a cry for inclusion. The answer must lie in engaging these youth in creating means that will generate employment and give them the feeling that they are part of their state's effort in restoring national pride. Already the UNDP, working with local governments, has shown the way through the Beautiful Bulgaria and Beautiful Romania projects—so successful that they have been replicated in different countries in the Balkans, as mentioned in the previous chapter. These projects have increased the employability of young participants through vocational training followed by hands-on experience in starting businesses and engaging in urban restoration work, particularly on heritage constructs. Such a programme stood designed for Kashmir by the architect of the Beautiful Bulgaria project, Romi Khosla, under the name Sonar Kasheer, by September 2010. And in Jammu and Kashmir, there is an elected leadership that must fulfil its responsibility by ensuring access to development to those most in need.

The events of 2010 demonstrated that there is an absence of representative authority. What exist are brittle state structures. Preoccupation with security has taken the form of a pervasive security presence. The massive security apparatus with which even a member of the Legislative Assembly moves around the city of Srinagar must be abjured or, at the very least, made more discreet. Security cannot be trumpeted as a demonstration of might, even in less than fully democratic societies. The state and the Valley in particular need to be carried into enjoying the kind of open government, with concomitant official accountability, which the rest of India already enjoys. This liberty was dramatically, almost contemporaneously, demonstrated with the debate on the organizing of the Commonwealth Games in Delhi in 2010, with the political leadership having to repeatedly explain itself to the public. Security forces in the rest of the country are trained to concede space, even withdraw, to control public agitation, and take recourse to firing only as the very last resort. Killing of children will be intolerable for any Indian and it has been so for the sorrowing people of the vale, but without the sympathetic response that they have the right to expect. What, then, is the demand on the Indian Union? The answer is incredibly simple: allow to the Kashmiris the same dignity that is considered a right by each Indian. Kashmir then calls for India to introspect. Will India rise to the challenge?

I can only conclude with the words of the great fourteenth-century Saivite poetess of Kashmir, mentor of the Sufi Sheikh Nooruddin of Charar-e-Sharief, and also with a fervent hope:

> A thousand times I asked my guru,
> 'The name of the One who is known by No-thing',
> Tired and exhausted was I, asking time and again;
> Out of Nothing emerged Something, bewildering and great!
>
> —Lalla Ded, 'A thousand times I asked my guru'[5]

NOTES

Introduction

1. See Husain Haqqani, 'Pakistan's Endgame in Kashmir', *India Review*, Vol. 2, No. 3 (July 2003), 34–54.
2. Alexander Evans, 'Reducing Tensions Is Not Enough', *Washington Quarterly*, Vol. 24, No. 2 (Spring 2001), 192.
3. Josef Korbel, *Danger in Kashmir* (Karachi and New York: Oxford University Press, 2002), 25.
4. Alastair Lamb, *Kashmir: A Disputed Legacy, 1846–1990* (Hertingfordbury, Hertfordshire: Roxford Books, 1991), 136–37.
5. The home district and constituency of Ghulam Nabi Azad.
6. Report of the Working Group (constituted by India's prime minister in May 2006 and headed by Retd Justice S. Saghir Ahmad) that was presented to J&K Chief Minister Omar Abdullah at Jammu on 23 December 2009.
7. A.G. Noorani, 'History as Prison', Review Article, *Frontline*, 23 September 2005, Chennai, 77–82.
8. Strobe Talbott, 'Self-Determination in an Interdependent World', *Foreign Policy*, Vol. 118 (Spring 2000), 157.
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Chapter 1: Overture

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4. Carl W. Ernst, *Teachings of Sufism* (Boston: Shambhala, 1997), xi. This is a good primer for readers seeking to comprehend the evolution of Sufi thought.
5. Haqqani, 'Pakistan's Endgame in Kashmir'.
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2. For a masterly analysis of this process, see Mridu Rai, *Hindu Rulers, Muslim Subjects* (Delhi: Permanent Black, 2004), 243–45.
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5. See Munshi Ghulam Hassan, 'What Went Wrong and How? Making History as Guide', *Greater Kashmir*, 23–25 November 2003, Srinagar. This is a collection of correspondence between Munshi Muhammad Ishaq, founding member of the Plebiscite Front and leader of its pro-Pakistan faction, and the National Conference and Plebiscite Front leadership from 1934 until 1969.
6. For details of 'uncontested' constituencies in the elections from 1951 to 1972, see Bose, *Kashmir: Roots of Conflict*, 51, 55–57, 75, 77, 85–87.
7. Hassan, 'What Went Wrong and How?'
8. The architect was M. Fayazuddin Baizad of Hyderabad (Andhra Pradesh).

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1. Sheikh Nooruddin, free translation in Agha Shahid Ali, 'I Dream I Am the Only Passenger on Flight 423 to Srinagar', *The Country Without a Post Office* (New York, London: Norton, 1997), 33.
2. Letter of Wing Commander Murkot Ramunny addressed to me on 22 October 2008.
3. Victoria Schofield, *Kashmir in the Crossfire* (London: Taurus, 1996), 214.
4. Meeting with Raja Muzaffar Ali in Washington DC 17 July 2004.

5. Tariq Ali, 'Bitter Chill of Winter', *London Review of Books*, 19 April 2001, 25.
6. Interview with Husain Haqqani, visiting fellow, Carnegie Endowment for International Peace, Washington DC, 3 November 2003.
7. This act never became law because the President of India, whose assent the Constitution of India required, referred the matter to India's Supreme Court, which 'respectfully returned' it, unanswered, to the President in November 2001. The act now stands challenged before the Supreme Court, which has stayed its implementation.
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12. Sumit Ganguly, *The Crisis in Kashmir: Portents of War, Hopes of Peace* (New York: Cambridge University Press, 1997), 76.
13. Colonel Anil Athale (retd), 'The Worldwide Failure of Peace Process', The Rediff Special, Rediff, 3:30 p.m., GMT, 13 October 2000.
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3. 'When Barack Met Hamid', *The Economist* (Kabul), 31 March 2010, 25.
4. Praveen Swami, 'Terrorism in Jammu and Kashmir', in *The Kashmir Question: Retrospect and Prospect*, ed Sumit Ganguly (London: Frank Cass, 2003), 63.
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November 1947; *The Harijan*, 12 July 1947; and *The Collected Works of Mahatma Gandhi*, Vol. 90 (11 November 1947–30 January 1948) (Ahmedabad: Navjivan Trust, 1984). Tariq Ali, in 'Bitter Chill of Winter' writes of 'Kashmiri indifference to the more militant forms of religion' (25). In the violence engulfing neighbouring Punjab and Jammu during Partition, not a single incident of communal assault was reported from Kashmir Valley.

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10. See Muzamil Jaleel, 'The Everyday Life of a Srinagar Correspondent: Reporting from Kashmir', in Caution: Reporters at Work, *Sarai Reader* 2004 (Crisis/Media), 237.
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12. Tariq Ali, 'Bitter Chill of Winter': 'The Buddhist worship of relics . . . was transferred to Islam, so that Kashmir is the home today for one of the holiest relics: a strand of hair supposedly belonging to Muhammad' (20).
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14. For details of those who surrendered, see Manoj Joshi, *The Lost Rebellion: Kashmir in the Nineties* (New Delhi: Penguin Books India, 1999), 270–71.
15. Prem Shankar Jha, 'Was Hazratbal a Trap?' *The Hindu*, 27 October 1993.
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25. Joshi, ibid., 253 and 265.
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12. *World Report 1996: India* (New York: Human Rights Watch, 1996), 153.
13. Taken with permission from Sushobha Barve's 'Report of Anantnag PEC Workshop, September 23–27, 2003', circulated privately, 2 October 2003.

14. At the request of the organizers, the names in this discussion have been changed to protect the participants' identities.
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18. It was nearly two centuries later that the concept began to take hold in what were then the Western democracies. In 1951 Finland enacted a law on the Public Character of Official Documents. The USA enacted its Freedom of Information Act in 1966, which by an amendment of 1974 placed the onus of justifying restriction of access clearly upon the government. This law places time limits for responding to requests and provides for access to all non-secret information that may be disclosed through a principle of 'severability', also adopted in our law. According to this principle, even otherwise exempt information can be 'severed' to require disclosure of that part that is not so exempt. Disciplinary action—though not financial penalty—is mandated against officials for wrongful non-disclosure. Denmark and Norway followed suit in the 1970s. The UK enacted a Freedom of Information Act in 2000, which became enforceable in 2005, allowing its government five years to suitably equip itself, and Mexico followed with a Public Government Information Law in 2002.
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Chapter 8: Warp and Weft

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Chapter 9: Denouement: Endgame or Violent Rebirth?

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3. Salman Anees, *'Why the Public Safety Act should be Repealed'*, *Greater Kashmir-News*, 31 March 2013.
4. See Jehangir Ali, 'Indian "Nationalism": Why Kashmir Won't Move On', http://blogs.tribune.com.pk/story/11387/indian-nationalism-y-kashmir-wont-moveon/
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